

**THE IDEAL OF SOCIAL EQUALITY: CRITIQUE OF ECONOMIC
EGALITARIANISM**

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ABSTRACT

This thesis explores the implication of equality in debates about distributive justice. It is argued that equality articulates a particular mode of social relationship, namely that relationship which retains the equal moral worth of each member of a political community. One way to achieve this end is to arrange rules and procedure governing the distribution of goods and social relations in a way that ensures respect to each member of society. This particular mode of social relationship can be achieved without necessarily invoking *strict equality* in respect to the distribution of material goods.

With respect to question of distributive justice, commitment to the ideal of social equality does not settle all distributive issues. Despite this, however, an appeal to social equality can help to clarify the tension between ‘economic egalitarianism’ and its critiques. An appeal to social equality demands the sufficiency approach to the distribution of material goods, and proposes unconditional basic income for all as a way to achieve it. This claim is supported by two additional arguments. First, complete achievement of equality of opportunity is undesirable because it undermines the ‘legitimate differences’ between persons. Second, it is argued that unconditional basic income for all provides citizens with a *reasonable* alternative to Rawls’ ‘fair division of responsibility’. This *reasonable* alternative, in turn, is necessary both to incur and to validate personal responsibility.

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CONCLUSION

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But the understanding that had just come to Krymov was a very different one: the understanding that says, 'This is my time,' or, 'No, this is no longer our time.' Time flows into a man or State, makes its home there and then flows away; the man and the State remain, but their time has passed. Where has their time gone? The man still thinks, breathes and cries, but his time, the time that belonged to him and to him alone, has disappeared.¹

INTRODUCTION

In confronting a question such as 'Why does equality matter?' we often find it hard to give a precise account of the virtue of equality. Nevertheless, the rhetoric of the ideal of equality may appeal to many people in various aspects of their lives. We often hear, both from ordinary people and from politicians, that 'we are all equal in the eyes of the law' or that 'every person has equal moral worth', or that 'everyone should be treated with equal respect'. These simple claims based on equality are sufficient to give rise to a curiosity with regard to other equally important spheres of life, such as the redistribution of resources and so on. In an article in *The Guardian* on the lives of 'Iraq Veterans', a former soldier who finds herself homeless upon returning home after 2 years of military service states that "I think it's ironic that I could go and fight for freedom abroad and cannot find this kind of freedom in my own city... what *America thinks of as freedom and what I think of as freedom are two different things. I want to get a house, day care and go to school. My freedoms are small...*".²

¹ (Grossman, V. 1995: 51)

² 'Iraq Veterans' in *The Guardian Weekend*, April 2 2005

This and other similar stories are not uncommon, and it may strike us as unfair that in affluent liberal western societies, some may suffer from the lack of a basic means of subsistence whilst others have amassed great fortunes. Confronted with such examples one may wonder whether this level of inequality is justified. We may object to it on the grounds that it is unfair, if not unjust, and thus the need for redistribution arises. What then should the criterion of distribution be? It is against this backdrop that liberal egalitarianism has reasserted itself as a driving force in proposing distributive measures which are consistent with the aforementioned values.

In particular, since Rawls' publication of *A Theory of Justice*, the role of economic equality has been the subject of heated debate among political philosophers and economic theorists alike. One important contribution made by Rawls is the serious consideration he gave to economics in proposing his two principles of justice. This paved the way for economists to pay acute attention to the philosophical debate on equality, which in turn gave rise to the trend of egalitarian literature labelled 'economic egalitarianism'. In exploring the implication of equality in debates about distributive justice, economic egalitarianism favours the equal distribution of resources, or for short, 'money'. Others within this trend favour the equal distribution of welfare or capabilities, or a combination of both the resource and welfare metric. However, the most important feature of this trend is that equality is primarily defined in terms of the distribution of something as an integral part of distributive justice.

Nevertheless, despite its dominant force, economic egalitarianism has been subjected to a variety of objections, both by the more socially oriented egalitarians, as well as non-egalitarian theorists. One important objection to economic egalitarianism is that it

places too much weight upon equality in distribution, without properly specifying why equality matters. Their charge is that it is not always true that the ideal of equality plays such a prominent role in our thinking. Does, for example, equality really matter when everyone has sufficient means to pursue their own ends? Are we really bothered by inequalities between the well-off and the super rich? The main insight of this view is that inequalities are justified provided everyone has sufficient means to pursue a worthwhile life.

On the other hand, socially oriented egalitarians claim that economic egalitarianism misconstrues the role of equality in debates about distributive justice. Should distribution *per se* be a social objective? Their answer is no. Equality, they tell us, is fundamentally concerned with the way people relate to one another, and thus an important question is to identify what this society of equals looks like. Thus there are a number of competing views with regard to the role of equality in the debate on distributive justice. First there are those who claim that equality demands that everyone should have the same. Second, with respect to the distribution of material goods, others argue that what matters is not that everyone should have the same but rather that everyone should have 'enough'. Finally, there are those who claim that equality enunciates a particular mode of social relationship without specifying its precise implication in matters of distribution. How then should one perceive the role of equality in our thinking about issues relating to redistribution? Should we insist on strict economic equality or should we embrace the sufficiency argument? Do we have to subordinate distribution in order to achieve something else, such as equality in human relationships?

In this thesis, I do not aim to settle these deep seated problems. Nor do I intend to claim that equality is the panacea of human society. I merely hope to show that the ideal of social equality, as opposed to equality in distribution, can shed light both on the way we relate to one another as well as on distributive matters. I will thus explore the implication of equality in debates about distributive justice. I shall argue that equality, as a normative concept, articulates a particular mode of social relationship, namely that relationship which retains the equal moral worth of each member of a political community. One way to achieve this end is to arrange the rules and procedures governing the distribution of goods and social relations in a way that ensures respect to each member of society. This particular mode of social relationship can be achieved without necessarily invoking *strict equality* in respect to the distribution of material goods.

With respect to questions of distributive justice, an appeal to social equality supports the sufficiency approach to the distribution of material goods, and proposes unconditional basic income for all as a way to achieve it. This position avoids the central deficiencies of economic egalitarianism without undermining the basic tenet of egalitarian concern, i.e. the creation of a society of equals. This claim is further supported by two additional arguments. First, complete achievement of equality of opportunity is undesirable because it undermines the ‘legitimate differences’ between persons. Second, it is argued that unconditional basic income for all provides citizens with a *reasonable* alternative to Rawls’ ‘fair division of responsibility’. This *reasonable* alternative, in turn, is necessary both to incur and to validate personal responsibility. I will now specify in more detail how I intend to achieve this goal.

In Chapter 1, 'The Ideal of Social equality: Sufficiency VS. Equality in Distribution', I will begin by presenting Frankfurt's main objections to economic egalitarianism, and will propose some initial defence of the egalitarian position. I will then go on to explore an account of social equality which is distinct from equality in distribution. The overall aim of this chapter is to set out the terms of the debate and the main motivation behind this inquiry.

In Chapter 2, 'The Primacy of Justice and the Basic Structure of Society', I will address two specific issues relating to Rawls' account of justice. First, I will examine Rawls' reasons for giving primacy to justice over other values in evaluating political institutions, and the role of 'lexical ordering' in the internal composition of the structure of justice as fairness. This analysis is important in order to show why the 'lexical ordering of values' is unhelpful in creating the society of equals. Second, I will examine whether restricting egalitarian principles in their application to the basic structure of society is compatible with the overall egalitarian objective. I will cast suspicion on the main rationales for this restriction.

In chapter 3, 'Social Equality: Towards the Sufficiency Argument', I will argue that an appeal to social equality supports the sufficiency argument with respect to the distribution of material goods. There I will also draw a distinction between material and non-material goods, and show why the classic formulation of distribution has limited applicability in the distribution of non-material goods. In drawing these distinctions, I aim to show that the 'levelling down' objection is a misguided concept in respect to the distribution of non-material goods.

In chapter 4, 'Status Enhancement and the Family Structure', I will attempt to address the implication of social equality in rectifying disadvantage. In particular, I will address two issues. First, what is the proper way of rectifying disadvantage? Second, should the family, as an institution, be abolished in order to meet the demands of justice? The central argument is that in dealing with specific disadvantage, one should not only take into account the form of remedy required, but also whether the remedy is compatible with other aspects of the disadvantaged party's life - such as her dignity and equal worth. With respect to inequalities arising due to the family structure, I propose that 'status enhancement' should be the preferred remedy to rectify them.

In chapter 5, 'Unconditional Basic Income for All', I will propose that one way to realize the sufficiency principle is to ensure Unconditional Basic Income for all. In particular, I will argue that Unconditional Basic Income (UBI) for all is justified, even when it violates the conditions of reciprocity. First, I shall argue that UBI is warranted on grounds of the state's neutrality towards citizens' reasonable conception of good. Secondly, I shall claim that UBI is supported by Rawls' own account of the social bases of self-respect. Only by securing UBI can one make sense of personal responsibility. In this way, one can only be held responsible when one has been given a *reasonable* opportunity to act otherwise. Finally, I will conclude by setting out the main implications of accepting social equality as an alternative to economic egalitarianism.

In terms of the structure of this thesis, Chapter 1 sets out the terms of the debate and proposes an overview of the main argument. Chapter 2 aims to reject Rawls' position regarding the subject matter of justice and the 'lexical ordering' of values. Chapter 3

presents the main arguments for favouring the ideal of social equality as a free-standing value. Chapters 4 and 5 should be read as an application of the main argument. The overall argument is that equality is primarily concerned with human relationships and not, contrary to the claims of economic egalitarianism, with equality in distribution. By revising equality in this way, liberal egalitarians can avoid the traditional charges raised against strict equality in distribution.

1. THE IDEAL OF SOCIAL EQUALITY: SUFFICIENCY VS. EQUALITY IN DISTRIBUTION

1.1 Introduction

The idea of equality is very much at the core of contemporary debate on social justice. Economic egalitarians are often regarded as regarding economic levelling as an integral part of the idea of equality. One version of this view claims that equality is an underived value and should be pursued for its own sake. Those who oppose the idea of economic equality consider these types of claims as ungrounded and too fetishistic. But they also dismiss equality as an ideal that should be promoted for its own sake. Two approaches seem helpful in analysing the current debate on economic equality. The prevalent one asks why equality matters, and then proceeds to defend one version of it.

The alternative approach leaves the burden of proof to the opponents of economic egalitarianism. In this instance, rather than asking why equality matters, we ask why inequality should ever be permitted. Although this approach may sound evasive, I believe it is more instructive, for it may help to identify the main reasons against endorsing economic egalitarianism. The other advantage of this approach is that in order to develop a feasible account of equality it is necessary at least to begin with some of the important objections to it, which in turn help us to construct a less controversial and more novel account of the ideal of equality.

In this chapter I want to pursue a strategy to identify and assess the reasons against economic egalitarianism, and to propose an alternative account of equality, which I will label ‘social equality’.³ To do this, I will discuss Frankfurt’s elusive objections to the ideal of equality. The reasons for this are twofold. First, Frankfurt’s objection is comprehensive although it has not been given the attention it deserves within contemporary debate. Second, his critique is instructive in the sense that it helps us to remove certain undesirable *apparent* egalitarian objectives. In 1.2 I will present Frankfurt’s main objections to economic egalitarianism. In 1.3 I will give a partial defence of the egalitarian position by casting doubt upon some aspects of Frankfurt’s critique. In 1.4, I will propose an alternative account of equality, which is logically distinct from strict equality in distribution. In 1.5, I will raise some objections to the ideal of social equality. In 1.6, I will set out the hypothesis of this thesis.

1.2 Frankfurt’s Critique of Economic Egalitarianism

Harry Frankfurt defines economic egalitarianism as “... *the doctrine that it is desirable for everyone to have the same amounts of income and of wealth (for short, “money”).*”⁴ This claim itself, he continues, is based upon the egalitarian claim that equality is of underived value. Frankfurt contends that this however, is simply wrong, and that equality is, in fact, of no moral value, provided certain conditions are met. What is morally important with regard to money or, say, resources, he claims, is not that everyone should have the same amount. Rather it is that everyone should have

³ This phrase has been used by David Miller and Richard Norman recently, but similar thoughts are also found elsewhere in egalitarian literature, and I will return later to this later. For now I will use the term without defining it.

enough. He calls this the doctrine of sufficiency.⁵ Leaving aside the idea of ‘sufficiency’ for the moment, let us consider in greater detail why egalitarians should take Frankfurt’s critique seriously.

One way to approach the issue is to consider how Frankfurt shows that economic equality has no intrinsic value. This, he admits, does not necessarily entail that equality as such should be abandoned. What it does show however, is that the egalitarians’ concern with economic equality is based on dubious grounds which, if taken seriously, may undermine the egalitarian enterprise. In fact, I want to argue that Frankfurt’s critique is, after all, in itself a form of a revised egalitarianism even though he does not endorse the egalitarian cause, i.e. he does not believe the pursuit of equality is intrinsically valuable.

Instead, he proposes a specific version of respect as the source of one’s concern in treating others impartially, other things being equal. Equality, in this version, is grounded in the respect that is due to other persons.⁶ This device, however, may turn out to be one which promotes a form of ‘social equality’ which escapes his own critique, and can thus be considered an ideal alternative to economic egalitarianism. In this account, social equality should neither be confused with an economic levelling,

⁴ (Frankfurt 1998: 21)

⁵ “With respect to the distribution of economic assets, what is important from the point of view of morality is not that everyone should have *the same* but that each should have *enough*.” (Frankfurt 1987:21)

⁶ It should be stated that mainstream egalitarian literature derives the value of equality from the idea of fairness. This issue will be addressed when I discuss the core objection of Frankfurt’s critique of equality, which is different to his specific objection to economic egalitarianism.

nor should it be considered an obsessive pursuit of something for its own sake. Rather it is a social ideal that defines how people of a particular political community stand in relation to each other. Put differently, it is how **individual X is regarded both by public institutions and by other fellow individuals**. In this respect, equality characterises this particular *mode* of social relation.

In what way then does Frankfurt's critique echo this thinly defined notion of social equality? To answer this question, I will pursue the following route. Firstly, I will present Frankfurt's critique, and highlight why this critique is instructive. Secondly, I shall identify a number of points on which Frankfurt's view is either controversial, or fails to materialise into one coherent account. This incoherence is particularly noticeable in regard to his account of respect and the doctrine of sufficiency. I shall claim that these two doctrines are incompatible. Thirdly, I will introduce Miller's distinction between the types of equality i.e. equality in distribution and social equality. Though the distinction is a significant one it has been disregarded by the mainstream. In this account the ideal of equality is **independent** from the conception of distributive justice. Finally, I will present possible objections to the ideal of social equality which are quite distinct from the objections made against economic egalitarianism.

Frankfurt objects to equality on the basis that equality *per se* has no moral value. This entails that although striving for equality can be morally good in order to promote other values or ends, equality *per se* is not necessarily good. In support of his objection to egalitarianism, Frankfurt holds that inequality is not bad in itself, and that there is nothing wrong if some people happen to have a better life than others.

provided that others have ‘enough’, and that their life prospects allow them to pursue some valuable goal. We can call this a threshold, which separates the ‘good life’ from the ‘bad life’. Consider, for example, the case where John has less than Dave, yet John’s life prospects are, in fact, considerably good. In this case, it is odd to argue that because John’s life prospects are inferior to those of Dave, we are morally bound to eliminate those inequalities since we consider inequality to be evil in itself. The fact that some people’s quality of life is materially inferior to that of others does not in itself show that inequality is evil. Nor does it provide us with any special reason for prioritising equality over inequality.⁷

However, if someone’s life is so extremely inferior that he is deemed to be in a state of poverty, then the case can be considered, from the moral point of view, of paramount importance. In this case, the existence of those who are in a state of poverty and whose lives are, indeed, indisputably bad, generates an obligation to improve those lives. Our obligation is not due to, and cannot be derived from, the fact that some people happen to have inferior or unequal lives in comparison with others, but rather from the fact that living in poverty is in itself bad, or because bad lives are simply bad:

What I believe they find intuitively to be morally objectionable, in the types of situations characteristically cited as instances of economic inequality, is not the fact that some of the individuals in those situations have *less* money than others but the fact that those with less have *too little*.⁸

⁷ For example, as Frankfurt correctly observes “we tend to be quite unmoved, after all, by inequalities between the well-to-do and the rich; our awareness that the former are substantially worse off than the latter does not disturb us morally at all.” (Frankfurt 1987:32)

⁸ (Frankfurt 1987:32)

Two points are important in this account. Firstly it implies setting a threshold below which ‘inferiority’ is deemed ‘bad’. Secondly, in Frankfurt’s view, the fact that someone possesses something does not at all substantiate a reason for other people to want the same thing. It is, in fact, irrelevant, since one may pursue his own ends, provided his life prospects lie above the ‘threshold’, without necessarily comparing them to those of others, or demanding those goods which others happen to have.⁹

Another equally important reason for abandoning this comparative element of the egalitarian claim regarding equality is that it alienates individuals from their own conception of good. In other words, the amount of wealth that may satisfy a person’s needs and goals is replaced with a concern for what others possess. This makes the pursuit of equality a very unattractive objective. After all, equality is supposed to bring about closer social ties between members of a political community – not to alienate them from each other. Furthermore, the desire to make as much wealth as possible, no matter whether this pursuit contributes to one’s well-being or helps one to pursue one’s own ends, is also unappealing. As Frankfurt notes,

To the extent that people are preoccupied with equality for its own sake, their readiness to be satisfied with any particular level of income or wealth is guided not by their own interests and needs but just by the magnitude of the economic benefits that are at the disposal of others.¹⁰

Surely, on occasion if not always, we do compare our lives with those of others in order to know our position relative to others within our society. Although this is a

⁹ (Frankfurt 1988:134-58)

¹⁰ (Frankfurt 1987:21)

plausible observation, it is nevertheless true that comparisons do not matter in defining whether a specific person's life is bad in absolute terms. What is important here is the way in which equality has been defined and pursued in egalitarian literature. The idea of 'wanting to maximize' an amount of goods makes the pursuit of equality fetishistic.¹¹ It is fetishistic because it claims that people are concerned with maximizing their wealth no matter what. This view disregards those interests and characteristics which are a constitutive or integral part of a person's personality. After all, money is only a *means* to reach certain goals or ideals that people value, and not an end in itself.

More importantly, by disregarding persons' interests and goals, it alienates them both in relation to their own personal goals as well as in terms of their social interaction with each other. By 'social interaction' I mean the idea that equality, characterised in this negative sense, alienates them from each other as of equal moral worth. Put differently, it is a society of claimants.

Rather, it may reflect our recognition that the desire to be happy or content or satisfied with life is a desire for a satisfactory amount of satisfaction and is not inherently tantamount to a desire that the quantity of satisfaction be maximized.¹²

Thus we can derive two important shortfalls in egalitarian thought. First, the desire to have a satisfactory life does not necessarily entail that this desire has to be satisfied to a maximum degree. Secondly, and equally as important, it is an odd idea to presume

¹¹ Rawls (1971)

¹² (Frankfurt 1987: 40)

that individuals always tend to compare their material possessions with those of others. One may legitimately have certain goods and feel happy without any reference to what others have. Provided one has 'enough' to be satisfied, there is no extra requirement from the part of rationality to maximize one's own wealth.¹³ Frankfurt states this clearly:

If a person is faced with a choice between less and more of something desirable, then no doubt it would be irrational for him to prefer less to more. But a person may be satisfied without having made any such comparison at all. Nor is it necessarily irrational or unreasonable for a person to omit or to decline to make comparisons between his own state of affairs and possible alternatives. This is not only because making comparisons may be too costly. It is also because if someone is satisfied with the way things are, he may have no motive to consider how else they might be.¹⁴

We now have four charges against economic egalitarianism:

- (i) From the point of morality, equality is not important as long as people have 'enough'.
- (ii) Equality, as it is constructed by egalitarians, is highly fetishistic.
- (iii) Equality becomes alienating.
- (iv) Despite what egalitarians claim, it is neither necessary to compare one's wealth or income with that of others, nor is it necessarily required by rationality to satisfy one's desire to a maximum degree.

¹³ These last two points are very helpful in discussing the ideal of social equality as opposed to that of equality in distribution equality.

¹⁴ (Frankfurt 1987:40)

All four charges need to be dealt with separately. To avoid these charges, I simply propose that egalitarians should abandon the idea of strict equality in distribution. Instead, I will show that by embracing the ideal of ‘social equality’, egalitarians can avoid these charges. In the remaining part of this chapter I want to offer a partial defence of the egalitarian position against Frankfurt’s critique. More importantly, I will draw a distinction between equality in distribution and social equality. The latter account of equality avoids the charges that Frankfurt presents against economic egalitarianism.

1.3 Preliminary Response

Frankfurt accepts that the pursuit of equality as a social ideal can be less alienating than the pursuit of equality as a personal goal.¹⁵ What this means is that a person who pursues equality as a socially desirable goal is less likely to be alienated, given that he may not be particularly concerned with his/her own economic conditions. However, if a person pursues equality as a personal goal then he is more likely to become alienated. One way to view this is to claim that we design social institutions in a way that their overall outcome will promote equality without necessarily engaging citizens themselves in this enterprise. Since persons in this scheme are not concerned with equality in their daily lives, it is less likely that the pursuit of equality would be

¹⁵ For example, he states that: “It might be argued that pursuing equality as an important social ideal would not be so alienating as pursuing it as a personal goal. It is indeed possible that individuals devoted to the former pursuit would be less immediately or less intensely preoccupied with their own economic circumstances than those devoted to the latter. But they would hardly regard the achievement of economic equality as important for society unless they had the false and alienating conviction that it was important for individuals to enjoy economic equality.” (Frankfurt 1987: 23)

alienating as far as concerns them. However, this response is too simplistic to be taken at face value.

In his critique of ‘luck egalitarianism’, Scheffler for example argues that two questions need to be differentiated when one is dealing with the issues of justice and equality.¹⁶ Scheffler notes,

... equality, at its most basic or abstract level, is not the special virtue of sovereigns but rather a *normative ideal of human relations*. On this view, the most basic question requiring interpretation is not the question of what it is for a government to treat people with equal concern, but rather the question of *what it is for people to relate to one another as equals*. The special case of this question that is of particular interest to political philosophy is the question of what a society of equals is like and, in particular, what sort of social, political, and economic institutions are appropriate to such a society.¹⁷

¹⁶ Anderson originally proposed the term ‘luck egalitarianism’. In this view, inequalities are unjust only if they are derived from the unchosen circumstances of a person’s life. This entails that luck egalitarians aim to neutralize whatever features for which a person cannot be properly held responsible. If however, they are the result of a person’s ‘genuine choices’, then it is the sole responsibility of that particular individual. Cohen, on the other hand, proposes a variation on this view. For Cohen, neither resources nor welfare alone are sufficient to eliminate undeserved disadvantages. Rather, he concedes, the proper goal of egalitarian concern is to neutralise both ‘resource deficiencies and welfare deficiencies’, since these deficiencies give rise to distinct types of disadvantage which cannot be properly traced to a person’s genuine choices. In this view, a person’s ambitions and preferences can be influenced in a variety of ways, in which case, a person should not be held responsible for them. For a comprehensive critique of luck egalitarianism, see (Anderson 1999), (Wolff 1998), (Scheffler, S. 2003). For a defence of the luck egalitarian position see (Arneson, R. 1999, 2000), (Dworkin, R. 2003), (Cohen, G. 1998), (Kaufman 2004).

¹⁷ (Scheffler, S. 2003b: 204, 2003a: 22-24, 2005).

The main insight of Scheffler's critique of luck egalitarianism is that equality, as a normative concept, is primarily concerned with the way people relate to one another. Thus the primary concern of egalitarianism is to define what this society of equals should look like. This shifts the discussion away from what it means 'for the government to treat people equally', to how people relate to one another as equals. The upshot of Scheffler's argument is that justice should aim to ensure this equality of human relationship rather than being concerned primarily with distribution along the line of any specific metric. The notion of distribution comes into play only to ensure conditions which are necessary for creating the society of equals. Seen in this light, it is reasonable to question the assumption that equality can be achieved by way of the distribution of resources. It is perfectly plausible to imagine a case where everyone has equal resources and yet which falls short of creating a society of equals. The main reason for this is that resource based theorists assume that equality is *a matter of mere possession*, and thus equality in distribution is required. However, this seems to be controversial. To illustrate this, consider the following two cases.

First, consider a society in which the majority of the population are racist. Suppose further that we adopt a resource based approach to achieving the egalitarian aim. Even when resources are divided equally, it is likely that minority groups may suffer from the racism of their fellow members. Being subjected to racism is incompatible with an overall egalitarian aim. The same can be said in respect of a society in which women or homosexual people are treated with disrespect on the grounds of gender and sexual orientation respectively. It is difficult to call such societies egalitarian.¹⁸

On the other hand, one can also object to resource based theories on the grounds that they fail to take into account differences in ability. Given that some people, by virtue of their natural talent, are more efficient in converting their share of resources into ends than others, the equal distribution of resources fails to achieve the desired objective. For example, two persons with an identical bundle of resources may end up, depending on how efficiently each uses their resources, with different levels of welfare. This different degree of welfare cannot be attributed to their actions in a relevant sense. This, according to Sen, is due to the fact that resource based theorists define the metric of equality in terms of the pure possession of material goods. Instead, Sen proposes the term ‘functioning’, namely, what a person ‘can do and to be’:

A functioning is an achievement of a person: what he or she manages to do or to be. It reflects, as it were, a part of the ‘state’ of that person. It has to be distinguished from the commodities which are used to achieve those functionings. For example, bicycling has to be distinguished from possessing a bike. It has to be distinguished also from the happiness generated by the functioning; for example, actually cycling around must not be identified with the pleasure obtained from that act. A functioning is thus different from both (1) having goods (and corresponding characteristics), to which it is posterior, and (2) having utility (in the form of happiness resulting from that functioning), to which it is, in an important way, prior.¹⁹

Sen thus claims that an individual’s standard of life is primarily defined by his/her capability to function. This implies that the ideal of equality should refer to these basic capabilities rather than purely to resources or, for that matter, welfare.²⁰

In the light of these examples, it is also unclear whether restricting egalitarian principles to the main political institutions can eliminate all unjustified inequalities within the political community. The main point here is that what constitutes the proper subject of egalitarian principles depends on what egalitarians are aiming for. In Chapter 2, I will discuss in depth the implication of this distinction, and propose that restricting egalitarian principles to the ‘basic structure of society’ is controversial in a number of ways.

According to Frankfurt, embracing some form of equality may be the best way to achieve sufficiency.²¹ It is important to note though that the doctrine of sufficiency is logically distinctive from the ideal of equality.²² The reason for this is that unlike the ideal of equality, the doctrine of sufficiency does not condemn inequality as such. What it does condemn is the state in which people’s material life is so bad that it lies below the threshold. However, so far what Frankfurt has said regarding equality is of little help in terms of the intrinsic value of equality, i.e. why equality matters besides its instrumental value.

Moreover, Frankfurt holds that the egalitarian position is partly misguided for the following reason: that it fails to differentiate between treating people with respect and

¹⁹ (Sen, A. 1985: 10-11)

²⁰ For a similar critique of resource based theories see also (Cohen 1989)

²¹ As he states, “it may turn out that the most feasible approach to the achievement of sufficiency would be the pursuit of equality.” (Frankfurt, H. 1987:41)

²² Frankfurt, for example, states that “It seems clear that egalitarianism and the doctrine of sufficiency are logically independent: considerations that support the one cannot be presumed to provide support also for the other.” (Frankfurt 1987:33)

treating people equally.²³ What is invoked here is the idea that most of the reasons egalitarians give for justifying equal distribution are not derived from the prior moral importance of equality.²⁴ Rather, it is the moral importance of respect which obliges us to treat people the same, provided we know nothing about individual persons that may give us reason to treat them otherwise. To respect a person, in this view, is to take features of that person that are pertinent to the case at hand into account when one displays respect in one's deliberation.²⁵ Failing to do so will undermine the 'reality' of a person, or some 'facts' about that person.

How can egalitarians respond to this critique? My own suggestion would be to claim that grounding equality on the prior value of respect does not undermine the inherent value of equality as it has been presented so far. This is due to the way Frankfurt presents his general objection to equality.²⁶ First, it is important to identify what the mainstream egalitarian literature means by the claim that equality is intrinsically valuable. Note that Frankfurt does not give us any specific reference when he alleges that egalitarians tend to believe that equality is valuable *per se*. Thus it is important to

²³ (Frankfurt, H. 1999:150)

²⁴ It is important to note that Frankfurt objects to the idea that equality is intrinsically valuable (Frankfurt, H. 1988:134-158).

²⁵ (Frankfurt, H. 1999:150-51).

²⁶ Note that earlier on I claimed that Frankfurt's specific charges, namely, being fetishistic as well as alienating, against equality in distribution, are valid. Here the issue is not those specific objections to economic egalitarianism. Rather I object to his general objection to the idea of equality. Moreover, even if Frankfurt's general objection turns out to be unsuccessful, it is still true that this will not undermine his specific objections against equality in distribution. This is because specific charges are independent from the soundness of his general objection to the value of equality.

see what sort of actual claims have been made in defence of equality by mainstream egalitarians.

Recent claims by Temkin and Tungodden may be seen as typical of those claims that identify equality as intrinsically valuable. To illustrate this, consider the following remarks by Temkin:

My version of egalitarianism is also an example of non-instrumental egalitarianism. On this view, equality, understood as comparative fairness, is intrinsically valuable, in the sense that it is sometimes valuable in itself, over and above the extent to which it promotes other ideals.²⁷

Furthermore, Tungodden makes similar claims in regard to the intrinsic value of equality. He claims that:

As I see it, the most promising approach would be to take the idea of equal moral status of people as a point of departure, and then argue that an equal distribution is valuable because it captures this fundamental equality in at least one relevant dimension.²⁸

Without going into any depth, it is sufficient to note that those who claim that equality is intrinsically valuable are not committing themselves to the claim that equality is of underived value in the sense that Frankfurt has presented it. Instead, one can infer that their concern with equality is more than the mere instrumental implication of equality. What is entailed here is that sometimes it is preferable to have equal, rather than

²⁷ (Temkin. 2003: 63)

²⁸ (Tungodden. 2003: 4)

unequal, distribution. In this case, equality is valuable for what *it is* rather than for what it may lead to. They do not seem to be claiming that equality as a matter of ‘brute **fact**’ is of underived value. Furthermore, Temkin and other representatives of economic egalitarianism see equality as a constituent part of the notion of fairness:

a subtopic of the more general – and even more complex – topic of fairness. Specifically, concern about equality is a portion of our concern about fairness that focuses on how people fare relative to others. So, our concern for equality is not separable from our concern for a certain aspect of fairness; they are part and parcel of a single concern.²⁹

This tradition is the legacy of Rawls’ famous account of social justice, which sees equality as a constitutive part of justice as fairness.³⁰ Thus, equality, as it is constructed by economic egalitarianism in its foundation, derives its value from a broader ideal of fairness. This scheme does not seem to claim that equality as a matter of brute **fact** is valuable in itself. Nor do egalitarians claim that equality is valuable simply because inequality is intrinsically bad. Rather, equality is valuable because fairness demands equal distribution, other things being equal.³¹ **Put differently, it**

²⁹ (Temkin. 2003: 62)

³⁰ (Rawls, J. 1971). In Chapter 2, I will analyse the Rawlsian position in more detail.

³¹ Parfit draws a distinction between telic and deontic egalitarianism. Telic egalitarians justify equality on the grounds that inequality is bad in itself. Because of this, telic egalitarianism is subject to a ‘levelling down objection’ i.e. a claim that a reduction in inequality can take place by harming some but without benefiting anybody else. But this cannot be *good in any respect*, thus, inequality is not intrinsically bad. Deontic egalitarians, on the other hand, do not claim that inequality is bad in itself. They justify equality on the grounds that unequal distribution is unjust, other things being equal. Thus, deontic egalitarianism avoids Frankfurt’s critique of equality, given that their position does not rely on the premise that inequality is intrinsically bad. For a full discussion of this matter, see (Parfit, D. 1996: 202-225).

justifies equal distribution on grounds other than the badness of inequality. By defending equality on grounds other than the badness of inequality, one is thereby able to disarm Frankfurt's main objection against egalitarianism, i.e. that inequality is not intrinsically bad.

Frankfurt may however still object to the value of equality on the following grounds. He may claim that since its value is derived from the broader notion of fairness it is not intrinsically valuable. He may claim that what is valuable, rather, is the idea of fairness, whatever that may be. This objection seems to be wrongheaded. Suppose that one accepts Frankfurt's objection that since equality is grounded on other ethical values such as fairness or respect, it therefore has no value of its own, save its instrumental value. Is this a sound objection to equality? I believe not. This strategy is at most a misguided one. To see this, consider the following example.

Say one accepts this strategy in order to defeat the value of equality, i.e. one accepts that since equality is derived from the broader value of fairness, equality is only of derivative, and therefore instrumental, value. If we accept this claim as a sound critique of the value of equality, it may turn out that nothing is valuable at all. This is because any value may require some holistic justification i.e. a reason why it matters. Given that this is so, it is striking that Frankfurt does not allow the same critique regarding the value of respect, of which he is fond. For instance, is it legitimate to ask why treating people with equal respect matters, or what makes us treat people with equal respect? Frankfurt himself offers the following reasoning in favour of the moral imperative of respect:

The demand issues in a less calculated manner from the unbearably deep suffering and dread that may be caused when people are treated unjustly – that is, when their personal reality is threatened by a denial of the impartiality that respect requires.³²

Hence the moral importance of respect lies in the fact that disrespect *may* cause a person to *suffer* from the feeling that his ‘reality’, or some pertinent facts about his/her personality, has been denied. Thus whoever is responsible for this dreadful feeling has failed to actively acknowledge the demands of respect in the process of his/her deliberation. To act disrespectfully is to inflict pain on a person, and therefore it is imperative that one acts with respect in relation to others.

Now, it may seem legitimate to apply the same strategy, as Frankfurt does in regard to equality, when one deals with the value of respect. Simply put, one may object to the value of respect on the grounds that it is not respect that matters when one deals with others, but rather avoiding ‘inflicting possible pain’ by undermining pertinent facts about others. The point I am trying to make here is that Frankfurt’s device for objecting to the value of equality can easily be turned against his own position. In fact, if one grants such a move legitimate, then nothing will have any value. However, this strategy, in my view, is faulty, for when egalitarians insist on the value of equality, as opposed to inequality, they are merely asserting that equality is more valuable than inequality in at least one significant dimension. Why? Because it reflects or captures ‘our’ intuitive belief that every person is of equal moral worth. In such instances, equality, regardless of its instrumental value, is also intrinsically valuable.

³² (Frankfurt, H. 1999:153)

Alternatively, as stated earlier, egalitarians might justify the value of equality as part of the broader value of fairness.

This seems to be a legitimate move, just as is Frankfurt's move in defence of respect. The mere fact that one gives reasons in defence of X's value by partial reference to other values does not deprive X of its intrinsic moral importance. This reply is sufficient at least to cast doubt on the plausibility of Frankfurt's critique of equality. Yet it is also true that the above does not fully answer why equality is valuable. What it shows, rather, is that the distinction drawn between intrinsic and instrumental value seems unhelpful on this occasion. This is not to say that there is no difference between the intrinsic and instrumental values of goods. There are, for example, cases when it is clear that certain goods are only instrumentally valuable for the holder of those goods. Having more money is instrumentally good because it helps one acquire other goods such as food, shelter, leisure, etc. This seems to be true in regard to many other non-intrinsic goods. Thus without undermining the generic distinction between intrinsic and instrumental values, it can be concluded that this distinction is of little help in Frankfurt's critique of egalitarianism.³³

³³ Another response to Frankfurt's critique of the value of equality is to deny the claim or expectation that egalitarians *should provide additional argument* to support the intrinsic value of equality. For example, McKerlie argues that "many egalitarians have attempted to argue for the importance of equality. But whether we interpret the principle of equality teleologically or deontologically, it is not obvious that it is right to expect or demand some further argument for it. The teleological version of the principle claims that inequality is itself something that is bad. Suppose that the claim is true. If it is true, there is no reason to think that we will be able to explain the badness of inequality in terms of some other value that is not a matter of badness, any more than we can explain why suffering is bad in that way. There is no obvious reason for saying that the claim that inequality is bad must be supported by an

More importantly, Frankfurt's account of respect and the sufficiency principle do not necessarily yield the same distributive outcome. Recall that Frankfurt holds that inequality is not bad in itself, and that there is nothing wrong if some people happen to have a better life than others, provided that others have 'enough' and that their life prospects allow them to pursue some valuable ends. Put differently, redistribution in respect to economic goods should be carried out on grounds of the sufficiency principle. When the threshold is met, there is no extra duty to equalise economic goods. This account is in direct conflict with Frankfurt's account of respect. For he claims that

Treating a person with respect means, in the sense that is pertinent here, dealing with him exclusively on the basis of those aspects of his particular character or circumstances that are actually relevant to the issue at hand.³⁴

Frankfurt thus holds that to respect a person is to take some pertinent features or facts about him into one's consideration when acting, and to reach an outcome which reflects those relevant features. Failing to act accordingly undermines a person's 'reality', which in turn *may* cause him dreadful pain. By definition therefore, respect for persons is not conditional to any specific threshold such as the sufficiency principle.

There is thus a tension between these two principles, for it is unclear what happens to respect when the level of sufficiency has been met. Say one follows the sufficiency

argument while the claim that suffering is bad does not require that support." (McKerlie 1996:277)

³⁴ (Frankfurt, H. 1999:150)

principle in distributing good X to persons A and B. One should make sure that at least both A and B have enough of the good in question. Beyond this, there is no extra duty to ensure that A and B receive more than enough of the good in question. However, if one follows the doctrine of respect in relation to the distribution of good X between A and B, then there is no general requirement to treat them up to the level of sufficiency. In fact, the sufficiency principle may turn out to be quite irrelevant. Other things being equal, respect may require us to distribute good X on an equal basis between A and B. Equal distribution is inconsistent with the spirit of the sufficiency principle. The main point here is that respect is not **conditional** to the principle of sufficiency when it comes to treating persons with respect. Thus, these two principles may not *necessarily* require the same distributive schemes.³⁵ The sufficiency principle, taken in isolation, may have a strong appeal in respect to the distribution of material goods. Nevertheless, it is not fully consistent with Frankfurt's own account of respect.

Finally, it should be noted that grounding equality on the prior value of respect is not inconsistent with an egalitarian cause. In fact, many egalitarians tend to consider treating persons with equal respect as the main motivation for their egalitarian aspirations. Frankfurt, as stated earlier, claims that it is the prior moral importance of respect that forces us to distribute goods equally. Having said this however, is it still legitimate to ask the question why we should treat people equally, if equality as such is not morally binding?

³⁵ In the example, we assume that one has no information about each recipient and thus equality prevails. However, it may be possible that in real life circumstances, both respect and

It is only in response to this question that Frankfurt draws the distinction between treating people equally and treating them with respect. Frankfurt has replied that the reason for treating people equally is the moral importance of respect, which in turn requires some form of impartiality. In other words, when we claim that people should be treated with equal respect we presuppose some form of impartiality. However, some might argue that the demands of equality overlap with those of respect. In order to strengthen his critique of equality, Frankfurt therefore needs to show that this is not entirely true.

To re-enforce his critique of egalitarianism, Frankfurt invites us to consider the following case where he aims to demonstrate how the demands of respect not only diverge from those of equality but also that, unlike equality, they are morally imperative. Consider again the case where John has fewer of certain things than Dave. Suppose further that John has no concern for equality per se, and that he is happy with what he has achieved in his life. John then becomes aware that he has less of certain things than Dave, but through no fault of his own. Other things being equal, John may feel that he has been treated unfairly, not because he is unequal to Dave, but simply because ‘whoever is responsible for this discrepancy, has failed to treat him with a certain kind of respect’.³⁶ It is not then equality which is imperative and which makes John feel that he has been treated unjustly, but rather that ‘whoever’ is responsible for John’s unequal state has failed to treat him with respect, which in turn, requires impartiality.

the sufficiency principle may require the same distributive outcome. Thus, my modest claim here is that the two principles are *logically* incompatible.

This reasoning can be extended to the case of whether one should divide cake equally between ten people about whom one knows nothing. It is claimed that we divide the cake equally because this seems intuitively preferable to unequal distribution.³⁷ However, it is contentious to assume that this is actually the case, since it is clear that in the case of cake, there is nothing that indicates that we have a special reason, and thus are duty bound, to divide the cake equally. What it shows, in fact, is precisely the lack of any special reason why we should distribute it equally, provided that we have no information about particular individuals. Hence, as far as reasons are concerned, there are none to support equal distribution from the point of equality.

The crucial feature of the situation, as he evidently imagines, is that he has *neither* a special reason for dividing a cake equally *nor* a special reason for dividing it unequally.³⁸

But why then should we, as Frankfurt insists, divide the cake equally if there is no reason for us to do so? Frankfurt offers a solution by claiming that the reason we divide cake equally is because respect for people requires the impartial treatment of similar cases. Since we have no information about the individuals in this case, respect requires us to treat them impartially: thus it is this impartiality of respect which obliges us to divide the cake equally and not, as was claimed, the moral importance of equality.

³⁶ (Frankfurt, H. 1999:150)

³⁷ Here Frankfurt quotes Berlin's defence of equality and his objection to inequality as inherently evil. See Berlin, I. 'Equality as an Ideal', *Proceeding of the Aristotelian Society* 56 (1955-56).

³⁸ *Equality and Respect*, p. 151

So he *does* have a reason that justifies an egalitarian distribution of the cake. It is the moral importance of respect and hence of impartiality, rather than any supposedly prior or pre-emptive moral importance of equality...³⁹

Note that even though the outcome in both cases is the same, the way that we achieve such outcomes and the reasons we provide for them, are entirely different. Frankfurt's contention, by objecting to equal distribution, is to widen the gap between treating people equally and treating them with equal respect. Nevertheless, in doing so, Frankfurt seems to propose an account which is perfectly acceptable to egalitarians. In other words, despite the fact that Frankfurt objects to equality *per se*, his alternative account, nevertheless, demands equality in distribution. As Sen states,

... every normative theory of social arrangement that has at all stood the test of time seems to demand equality of *something* – something that is regarded as particularly important in that theory.⁴⁰

Given the above interpretation of normative theory, it is safe to say that basing equality on the prior value of respect, as Frankfurt postulates, is not inconsistent with the general egalitarian position. Thus, although Frankfurt is clearly objecting to the value of the ideal of social equality as a free-standing value, it is, nevertheless, the case that his own alternative to equality demands equality of distribution on grounds of the moral importance of respect. Such a derivation does not undermine the egalitarian's understanding of the value of equality. Rather, it provides further reason for his conviction that equality is of value.

³⁹ *Ibid.*, p. 151

⁴⁰ (Sen 1992: 12)

To recap so far, it seems that Frankfurt's critique is internally inadequate. First, Frankfurt's core argument that inequality is not intrinsically bad is compatible with an account of equality which justifies equal distribution on grounds other than the badness of inequality. Secondly, Frankfurt's doctrine of sufficiency, as shown above, is incompatible with his account of respect since these two principles may require two different and possibly irreconcilable distributive schemes. However, one may still claim that the sufficiency principle, taken on its own, may be an appealing account in respect of the distribution of economic goods.

Nevertheless, one may wonder, why should inequalities matter between the well-to-do and the rich? This is an important question which I will address in the next two chapters. First however, I will propose an account of equality which is distinctive from 'strict equality in the distribution of material goods'. This account seems to capture the spirit of the sufficiency principle in respect to the distribution of economic goods.

1.4 Social equality vs. Equality in Distribution

The distinction between equality in distribution and social equality is one which is vital within egalitarian literature. This account of equality has often been overlooked. Some egalitarians, as stated earlier, believe that equality is derived from and subservient to justice. However, as Miller correctly notes, there is also another form of equality which is neither subservient to justice, nor does it require strict economic levelling in terms of the distribution of material goods. In this account, (social)

equality is defined as a free-standing value. But what is the feature that distinguishes social equality from distributive justice? How is the ideal of social equality compatible with Frankfurt's critique of equality? To answer these questions, I will analyse Miller's distinction and see whether social equality is vulnerable to the aforementioned charges.

Miller defines the social ideal of equality as an ideal of a society:

in which people regard and treat one another as equals. In other words, a society that is not marked by status divisions such that one can place different people in hierarchically ranked categories, in different classes for instance. We can call this second kind of equality *social equality*, or simply social equality.⁴¹

In other words, it is an association in which people, in an important way, treat one another as equals. Social equality, thus, requires that 'we' build our association on the principle of equality which in turn may help us to shape other practices which are not necessarily egalitarian.⁴² Since it is not directly concerned with distribution it also retains its independence from the idea of distributive justice. In this version, equality does not aim to equalize the amount of goods but simply to discourage the emergence of different social classes within an association, either due to the aggregation of power or to the possession of a disproportionate amount of wealth. Does this mean that it requires uniformity across society? Not necessarily. As stated earlier, social equality

⁴¹ (Miller, D. 1998:23)

⁴² Miller, for instance, defines 'status' as referring "to a person's basic standing within a society, as manifested by the way in which he or she is regarded by public institutions and by other individuals." See (Miller, D. 1995: 206).

is not primarily concerned with distributive equality, and therefore its achievement may not necessarily require strict equality in the distribution of economic goods. What lies at the core of the ideal of social equality is to safeguard equality of human relationship within a specific political association. As Norman states, for instance:

It is not, as it might appear... a crazed obsession with uniformity and symmetry and neatness. It is a preference for a certain kind of social relation. They may fear that, with greater inequality, they will become more distanced from one another, their society will become less co-operative, the more prosperous among them will become disdainful and supercilious and the less prosperous will become either more servile or more resentful, and they will no longer be united by shared experience and a shared condition.⁴³

Note that the reasons are not purely instrumental. Rather the ideal of social equality retains certain human relations which are in an important way pertinent to the social relations of the members of specific political community. It is thus a way in which equality characterises that social relationship between members of social association.

We might see equality not as a *means* to certain kinds of social relations, but as a way of *characterising* certain kind of social relations.⁴⁴

Furthermore, as stated above, the distinctive feature of social equality, as opposed to equality in distribution, is that it can be achieved without necessarily invoking the 'strict equalization of material goods'. This, in turn, shows that social equality, like the doctrine of sufficiency, does not directly condemn inequality as such. Does this mean that the doctrine of sufficiency and social equality overlap with each other? If

⁴³ (Norman, R. 1998:51)

⁴⁴ *Ibid.*, p.40

they overlap fundamentally, would it not be better to abandon the ideal of social equality altogether in favour of the doctrine of sufficiency?

Despite this similarity, social equality is quite distinctive from the doctrine of sufficiency in two important respects. Firstly, the doctrine of sufficiency does not condemn inequality in its absolute sense, provided the threshold has been met. Social equality, on the other hand, can allow only those inequalities which do not create a social ‘hierarchy’ or class-divided society.⁴⁵ Secondly, the doctrine of sufficiency takes the notion of ‘enough’ as the only relevant factor in regard to distribution, whilst social equality characterises particular social relations.⁴⁶ Any form of inequality that threatens the conditions for the realization of relational equality is deemed unacceptable. For example, Norman defends the value of equality on the basis that it reflects particular social arrangements between co-operating members of society. As he states it,

My account, I would claim, properly reflects our sense of *why* equality is important. It grounds the idea of equality in the relevant features of human experience. The value of equality is the value of co-operative relations between people. That is why equality matters. Inequality is wrong because it violates the requirements of such relations, it is a betrayal of the relationship of co-operation.⁴⁷

⁴⁵ I will clarify this point in the final part of this paper.

⁴⁶ I am aware that what is implied here by ‘enough’ is unclear. However, in my view, this does not exhaust the soundness of Frankfurt’s argument. In Chapter 5, I shall propose that one way to achieve the sufficiency principle is to ensure unconditional basic income for all as a main policy.

⁴⁷ (Norman, R. 1987:77)

However, social equality may have indirect distributive implications when it forms the foundation of social association. This is because social equality, as stated earlier, *characterises* the particular social relationship which members of a social association favour. This particular relation, in turn, makes a certain distribution of goods a relevant feature of social association, and excludes others.⁴⁸

One implication of Miller's analysis is that by drawing a distinction between equality in distribution and social equality, he manages to crystallise an ideal of social equality without any reference to the conception of justice. For instance, even in cases where justice demands non-egalitarian policies, social equality may help us design social institutions in a way that "just distributions serve egalitarian ends."⁴⁹ What it entails is that the demands of social equality may occasionally 'override' the demands of justice if the latter's demands fundamentally undermine the value of social equality. This may well indicate that social equality is compatible with the conception of justice even if justice requires non-egalitarian policies.

Take, for example, the case where justice requires that people of talent should be paid special incentives on the grounds of, let us say, desert, or in the Rawlsian account, because it increases productivity. This 'incentives' argument may, in turn, widen the gap between the super rich and the least well-off so much that it undermines the special social relations of which social equality is supposed to be guardian. How then should the apparent conflict between what justice requires and what is required by social equality be solved? The relationship between justice and equality will be

⁴⁸ (Norman, R. 1987:65)

⁴⁹ (Miller, D. 1998:24)

discussed in full detail in Chapter 2, where I will examine Rawls' position regarding the relationship between justice and equality on the one hand, and the ambit of justice on the other. For now, I will merely provide one response which can show how the conflict between the demands of justice and that of equality can be resolved.

Let us remain with the Rawlsian claim as it has actually been made, and see how this non-egalitarian demand of justice can be neutralised. The issue of incentives can be neutralised in two ways. Firstly, if equality is seen and derived from the conception of justice then it is implausible to rebut the argument on the grounds of equality, provided justice requires incentives. Why should this be so? It is because justice in this account carries more weight than equality. Equality's claim can have legitimate weight and relevant background only if it occurs within the limits established by justice. In this case, if justice requires a departure from equality if, say, the overall outcome benefits those worst off in society, then equality can do nothing to rebut the demands of justice, since it can violate the background motivation set by the conception of justice. However, if equality is defined as an independent value, quite separate from justice and with its own underlying motivational background, then it may have a legitimate claim over justice. As a result, it can construct just distribution in a way that may ultimately serve egalitarian ends. In other words, it may allow the demands of justice not to infringe or violate the particular social relations in which members of social association stand in regard to each other.

Nevertheless, the Rawlsian can object to this by claiming that justice allows that people of talent need to be given material incentives in order to boost the productivity from which every member may benefit. The only exception is that some form of

inequality is required. One apparent answer, though for completely different reasons, has been given by Norman, which shows how social equality may actually affect these types of policies. He claims that

We can imagine circumstances in which, from the standpoint of social equality, equality at a lower level of well-being might be seen as preferable to inequality at a higher level of well-being for everyone. Imagine an egalitarian community at a fairly low level of economic development whose members, though not experiencing great hardship or absolute poverty, have a simple life style. Given the opportunity of economic development which would make them all better off but introduce substantial inequalities, they might prefer to remain less prosperous but equal. I am not thinking here of the typical attendant evils of industrialization such as crime and social conflict and environmental pollution which would enable us to explain their choice by saying that they would not really be better off. I am supposing that they would acknowledge that they would be better off with economic development, but they still prefer equality ... It is a preference for a certain kind of social relations⁵⁰

Note that Norman does not endorse social equality for its consequential reasons. Rather he argues that equality is valuable in itself since it retains those particular social relations, i.e. relations by which people treat and 'regard each other as equals' or remain as equals. He links this equality of social relations with Rawls' claim that his account of justice is based upon two fundamental powers of people: their sense of justice and their capacity for the conception of good. In doing so, Norman defends egalitarianism against the claim that egalitarianism is motivated by mere 'envy'. He claims that one can object to inequality not on the grounds of envy, but rather from a

⁵⁰ This paragraph has been quoted from (Wolff 2001: 13-14). Originally, Norman brings this example as a response to the 'levelling down objection' against egalitarianism.

prior 'sense of injustice', which he defines as a negative aspect of the sense of justice. What he means by this is that feeling 'envy' or resentment entails a prior sense of injustice. Thus, it is the prior sense of injustice, rather than jealousy, which makes inequality objectionable. He states that

the desire to reduce or eliminate inequalities is properly motivated not by envy, but by a sense of injustice. The reason for wanting to eliminate inequalities is that such inequalities are unjust. The question of the wrongness of inequality is logically prior to the question of moral psychology.⁵¹

One conclusion that we can draw so far is that equality, in this account, is considered as the core principle of political association. Nevertheless, the way social equality has been defined so far raises quite distinctive issues from those of equality in distribution. These need to be addressed. One problem that we may face is that Miller does not provide an example of what this association looks like. I will discuss this point later. There are others which I believe should be addressed first.

As Miller's own remarks about social equality indicate, 'how such differences are regarded' is very imprecise and needs further clarification. For example, what does 'how one sees these differences' mean? How should the 'legitimate' degree of differences be defined within this scheme? Miller proposes the following solution:

What matters is how such differences are regarded, and in particular whether they serve to construct a social hierarchy in which A can unequivocally be ranked as B's superior.⁵²

⁵¹ (Norman, R. 2002: 44)

⁵² (Miller, D. 1998:31)

However, this still offers little progress, since it does not specify the metric of superiority or class based society. What constitutes social hierarchy? In what follows I will consider the problems that I have raised.

As indicated above, one of the shortfalls of the ideal of social equality, as presented so far, is that it does not specify what counts as ‘superiority’, or a class-divided society. It is important to identify what exactly is meant by class-division within a political community that is guided by the ideal of social equality. To begin with, it is important to note that social equality presupposes the political equality of all members of the political community. It is equally important to note that social equality is engaged with what can be termed ‘complex equality’, which is not concerned with ‘cross-the-board’ distributive equality⁵³. Thus, by definition, social equality excludes the notion of equalising material goods across the board. How else is it possible to retain the value of equality if not by an equal distribution of goods among members of a political community?

Before I proceed, it is important to clarify what is meant here by the idea of complex equality - as opposed to that of simple equality.⁵⁴ Walzer, for instance, defines complex equality in the following way:

⁵³ (Walzer, M. 1983:3-30), (Miller 1995)

⁵⁴ This distinction was originally drawn by M. Walzer. According to Walzer, simple equality can be achieved through equalising whatever the currency of justice may be. For instance, if Tom and John have ten apples each then we have achieved simple equality. Complex equality,

Simple equality is a simple distributive condition, so that if I have fourteen hats and you have fourteen hats, we are equal. And it is all to the good if hats are dominant, for then our equality is extended through all the spheres of social life. On the view that I shall take here, however, we simply have the same number of hats, and it is unlikely that hats will be dominant for long. Equality is a complex relation of persons, mediated by the goods we make, share, and divide among ourselves; it is not an *identity of possessions*. It requires then, a diversity of distributive criteria that mirrors the diversity of social goods.⁵⁵

Two things are important here. First, material goods, in this account, play only a mediating role in defining that complex relationship, and therefore their possession does not exhaust the value of complex equality per se. Secondly, since there are diverse social goods there is a need for the diversity of distributive schemes.⁵⁶ Therefore, unlike equality in distribution, complex equality claims that given the fact that there is a diversity of social goods it is implausible to give priority to one particular metric of distributive scheme. For instance, in the case of economic egalitarianism, money is considered the only metric of distributive justice. Here, money, like other social goods, is but one specific-sphere of distribution.

on the other hand, may demand equality in some specific spheres of distribution whilst allowing unequal distribution in other spheres of distribution.

⁵⁵ (Walzer, M. 1983:18)

⁵⁶ It is important to note that economic egalitarians generally assume that there is one sphere of distribution, with a single currency. Walzer, on the other hand, claims that there is a diversity of distributive spheres, each with its own currency, which cannot be applied beyond the specified sphere. For instance, in the political sphere, political power can be seen as an appropriate good, and equality as a relevant criterion in distributing it.

Furthermore, complex equality can be achieved only if the distribution in different spheres is autonomous. For complex equality to prevail, these different spheres of distribution should be kept separate. The reason for this separation is that it prevents those who gain advantage in one specific-sphere of distribution from converting it into an advantage in other spheres of distribution, in which they may fare badly. As Miller indicates,

Where the separation of spheres of justice is maintained, no one is able to use his privileged position in one sphere to obtain goods in other spheres to which he is not entitled by the criteria applying there.⁵⁷

To illustrate, consider the following example. Suppose that Mark, a businessman, has fared well in making money. Unlike Mark, John is not a very talented businessman, and fails to make as much financial gain. However, he does do well as a public office holder. Mark is therefore advantaged in the sphere of money, whilst John is privileged as a public office holder. Since they both fare well in one or another sphere of distribution, they remain relatively equal in regard to each other, provided each sphere is given equal weight. Now suppose that money becomes a ‘dominant’ or ‘pre-eminent’ good among the different spheres of distribution. In this example, given the dominance of money over other distributive spheres, John may end up less advantaged than Mark in the overall scheme of things. How can complex equality be retained in this case?

⁵⁷ (Miller, D. 1995:204)

One way is to neutralize the pre-eminence of money by giving special incentives to those, for example, whose input in society is other than making money, for instance public officers, community workers, etc. Here, the term ‘incentives’ means a kind of public recognition and approval in regard to certain practices or distributive spheres.

So in a society in which money threatens to become a pre-eminent good, complex equality can be fortified by boosting the sphere of recognition, especially by making sure that the avenues of recognition are open to those who do not stand high in the other spheres. (If honours are given for charitable activity, they should go to those who are active in community service, say, not to those who are simply willing to write large cheques).⁵⁸

Thus, even if there are **internal inequalities within specific-spheres of distribution**, the relationship between members remains one of equality. This relationship of equality is preserved because people who are relatively disadvantaged in one sphere may fare well in other spheres of distribution. Even if Mark is relatively advantaged in the domain of money, he is not **superior** to John, who is doing well as a public office holder. Given this diversity of distributive spheres, in the overall scheme of things, everyone can be equal without an equal distribution of goods. Thus, to revise the definition of superiority, one may claim that X is superior to Y if X fares better than Y in all or most of the spheres of distributive justice. According to this definition, provided inequality is restricted to specific-spheres of distribution, there is no threat to the ideal of complex equality. As Miller states,

Being relatively disadvantaged in one sphere (money and commodities, say) is compensated for by being relatively advantaged in another sphere (public

⁵⁸ (Miller, D. 1995:224-25)



office, say) so that, summing up advantages across all spheres, each citizen achieves roughly the same total.⁵⁹

Thus, we may draw the following conclusion, which both Miller and Walzer embrace: plurality of distribution plus political equality of citizens are sufficient to achieve complex equality. Furthermore, the purpose of complex equality is not to prevent the emergence of inequalities in a specific-sphere of distribution but rather to prevent those inequalities from being multiplied via the process of conversion.⁶⁰ Once this multiplication is blocked then no one will be inferior or superior to his/her fellows in the overall scheme. This is what can be called the task of complex equality within social co-operation.

Are these two conditions, thus, sufficient to deliver complex equality, i.e. by blocking the emergence of social hierarchy within social association? If not, then what is the proper means for achieving complex equality? A plausible response to these questions is to scrutinise them as to whether social equality, understood as complex equality, meets its objective. I shall claim that the conditions set by complex equality are insufficient to deliver social equality, even though they do achieve certain desired objectives. My main claim against complex equality is that even if one grants that there are separate spheres of distributive justice, each with its own distinctive currency, it nevertheless seems to fail to prevent the emergence of large scale social division within the putative social association. This is due to the fact that an overwhelming advantage in one particular sphere of justice, by a group of individuals, without any resort to converting that advantage into other spheres of distributive

⁵⁹ (Miller, D. 1995:205)

⁶⁰ (Walzer, M. 1983:17)

justice, is sufficient to create social hierarchy in some specific cases. In the remaining part of this chapter, I will address this and other related problems with this view.⁶¹

1.5 Possible Objections

To begin with, it is worth noting that complex equality presupposes the separateness of distributive spheres. One objection therefore may be raised on the grounds that this assumption is implausible. One may well accept that there is diversity of distributive spheres without necessarily endorsing their complete separateness. This objection states that the assumption that advantage in one specific-sphere of distribution can be kept isolated is based on an empirical claim and is therefore dubious. One may legitimately claim the opposite, i.e. that having an advantage in one sphere can easily give the recipient an advantage in other spheres because the spheres are not wholly independent from each other. This may well be true with regard to money in a capitalist society – if Mark has an advantage in the sphere of money he is already advantaged in most other spheres. In other words, the spheres may easily overlap with each other. If this objection is sound then it is hard to know how to prevent multiplication of inequalities through the process of conversion.

⁶¹ There is another well-known objection to the idea of ‘complex equality’ which is worth mentioning, though I am not going to discuss it in detail. The objection states that it is logically plausible to imagine the case in which one person may win in all spheres of distributive justice. Since he wins in all distributive spheres, he ends up as superior in regard to other persons in social co-operation. Complex equality, in this instance, fails to prevent the emergence of hierarchy unless it overrides its own basic criterion. Therefore, complex equality is indefensible.

The second objection states that even if one grants that advantage in one specific-sphere of distribution can be kept isolated from conversion into an advantage in other spheres, it is still possible that an advantage in the *dominant good* can give the recipient an unequal advantage in other spheres of distributive justice: this dominance, they may claim, is *unstoppable*.⁶² Therefore, no matter what complex equality may require, one cannot prevent the process of multiplication if one holds an advantage in the dominant good. To illustrate this, let us consider Miller's claim about avoiding 'cumulative inequalities of advantage' in order to safeguard the ideal of social equality:

... in particular we will try to avoid the emergence of large-scale, *cumulative inequalities of advantage* which make it difficult for people to live together on terms of equality, even if politically they are all defined as equals.⁶³

These 'inequalities of advantage' are the result of the aggregation of one dominant good in the hands of a group of individuals which, in turn, bring about greater advantages in significant spheres of social life such as: education, power, public office etc. These 'inequalities of advantage' may therefore undermine the value of complex equality. Miller is well aware of this threat even though he fails to defeat it:

In addition there may need to be some bounding of inequality in whatever sphere threatens to become pre-eminent – the sphere of money in contemporary market societies, perhaps the sphere of political power in societies of other types.⁶⁴

⁶² (Arneson, R. 1995), (Miller, D. 1995)

⁶³ (Miller, D. 1998:34)

⁶⁴ (Miller, D. 1995: 214)

It is also important to bear in mind that complex equality gives, in the absence of a dominant good, an equal weight to each sphere of distributive justice. However, this assumption is too vague and it requires proper justification. In the absence of this, it seems difficult to identify the best way of weighing up one sphere against another. Recall the earlier example in which John, a public office holder, is highly respected by the public. Suppose that he is faring extremely badly in many other spheres, such as leisure time, housing (he rents a small flat since public office holders receive small wages), and income. Mark, on the other hand, fares excellently in all of the aforementioned spheres, with the exception of the public domain. It would be hard to say that John is better off than Mark, despite his excellent reputation as a public figure. It would also be naïve to claim that Mark is superior to John overall.

However, it is reasonable to claim that, in this case, John seems to be disadvantaged in important spheres of justice compared to Mark, since it is unclear how success in one important sphere can outweigh one or a number of disadvantages in other equally important spheres. This, in turn, raises the issue of how one should rectify disadvantage, and how this is related to the spheres of justice. Moreover, how should we weigh up one sphere against another or a number of other spheres in dealing with disadvantage? Since there is no metric with which one can measure the relative weight of each sphere in contributing to an agent's well-being, it is insufficient to simply claim that each sphere is of equal weight. It is thus difficult, without a transparent method of measurement, to identify how people fare overall in regard to

each other, and whether complex equality is sustainable.⁶⁵ This can be regarded as the problem of dealing with disadvantage, which I will address in chapter 4.

The most important objection that can be raised against the idea of complex equality is however, that it fails to neutralize the emergence of a social hierarchy that is due to overwhelming advantage in some specific spheres of distribution. Some spheres of distribution have symbolic value apart from their real value. To put it differently, overwhelming advantage in one specific sphere of distribution is sufficient to give way for the emergence of social hierarchy, even in the absence of an attempt by the holder of an advantage to convert that particular advantage into other spheres of distribution. This can be either due to the nature of the specific sphere of distribution, or simply that certain goods, apart from their real value, entail ‘symbolic value’ for their holders.

Consider the case of someone who is exceptionally good at rugby in the United Kingdom. The mere fact that he is a good rugby player makes him superior to many other fellows even though they may fare quite well in other spheres of distribution. In this regard, it may strike us as exceptionally unfair that the mere symbolic character of some spheres can override very hard won successes. This is, in this example, mainly due to the symbolic nature of rugby and the way the sport is regarded in the

⁶⁵ The issue of disadvantages and proper remedies to rectify those disadvantages will be discussed in chapter 4. For an excellent discussion on the nature of disadvantage and its relation with risk see (Wolff, J. and de-Shalit A, 2007)

context of British society.⁶⁶ Perhaps it is plausible to claim that advantage in some spheres of distributive justice is sufficient to generate social hierarchy.

However, it is important to note that, so far, the argument for social equality, understood as complex equality, has been confined to mere negative justification, i.e. an account which claims that only specific grounds of inequality are unjustified, and only on those specified grounds is equal treatment required. Other than that, there is no general requirement to treat people equally. For example, consider the case of complex equality where multiplication of advantage via conversion is prohibited. It is only in this specific dimension that inequality is considered unjustified. It does not, therefore, condemn inequality within specific sphere of distribution. The immediate question is why this specific ground of inequality is unjustified while others are not. The answer is because these specific grounds are more likely to generate social hierarchy.

However, as I have argued, social equality, defined as complex equality, fails to neutralize the emergence of social hierarchy within social association. This is due to the way social hierarchy has been defined, which states that X is superior to Y, if X fares well in all spheres of distribution. This definition appears to be too permissive. What it achieves instead, is a blocking of some specific routes to the emergence of social hierarchy. Therefore one needs to be more precise in terms of what may constitute social hierarchy. One can be superior without faring well in all spheres of

⁶⁶ This is particularly true in the context of school. A child playing exceptionally good rugby for his school team may gain a superior position over his peers even when he fares very badly in all other spheres such as educational achievement and so on.

distribution. In fact it is sometimes the case that faring well in one specific sphere of distributive justice may be sufficient to generate social hierarchy.

To recap, I began this chapter by presenting Frankfurt's objections to economic egalitarianism. In doing this, I argued that Frankfurt's critique has a limited applicability in respect to egalitarian concern. His main targets are those who claim that equality is justified because inequality is intrinsically bad. However, as was shown, there is also a different version of egalitarianism which justifies equality in distribution on grounds other than the badness of inequality. One may justify equal distribution on grounds of fairness. Therefore, insistence on equality is not conditional to whether inequality is intrinsically bad. This, in turn, disarmed Frankfurt's main claim that inequality is not intrinsically bad. I then showed that Frankfurt's sufficiency principle is logically incompatible with his account of respect. These two principles may require two logically distinctive distributive schemes.

In the second part of this chapter, I explored an appealing view proposed by Miller, which he labels an ideal of 'social equality'. I argued that social equality, unlike equality in distribution, is not subject to Frankfurt's critique for a number of reasons. In exploring the views of Miller and Walzer on complex equality, I showed that social equality characterises particular social relationships in regard to which individuals are regarded by public institutions and other fellow members of political association as being of equal status. Social equality, Miller and Walzer claim, can be achieved if the following conditions are met: (i) political equality plus (ii) plurality of independent distributive spheres. I have argued that these two conditions, however, are not sufficient to deliver what social equality tries to achieve. The main reason for this is

that it is possible to have hierarchy and yet achieve complex equality. Simply put, inequality of status is compatible with complex equality despite its claim that the conditions set by complex equality will bar the emergence of social hierarchies. What is important, however, is that this account respects the diversity of the spheres of justice.

1.6 Overview of an answer

In the light of these objections against both economic egalitarianism and complex equality, the need arises to revise the egalitarian position in order to accommodate the legitimate objections raised against it. I shall argue that equality, as a normative concept, articulates a particular mode of social relationship, namely that relationship which retains the equal moral worth of each member of a political community. The main motivation is to arrange social conditions and rules governing the distribution of material goods in a way that fosters mutual respect for members of a political community. This particular mode of social relationship can be achieved without necessarily invoking *strict equality* in respect to the distribution of material goods.

With respect to questions of distributive justice, an appeal to social equality demands the sufficiency approach to the distribution of material goods, and proposes unconditional basic income for all as a way to achieve it. This position avoids the central deficiencies of economic egalitarianism without undermining the basic tenet of egalitarian concern i.e. creating a society of equals. This claim is supported by two additional arguments. First, complete achievement of equality of opportunity is undesirable because it undermines the 'legitimate differences' between persons.

Second, it is argued that unconditional basic income for all provides citizens with a *reasonable* alternative to Rawls' 'fair division of responsibility'. This *reasonable* alternative, in turn, is necessary both to incur and to validate personal responsibility.

In summary, this thesis will take the following route. In Chapter 2, I will address two specific issues which I have highlighted in this chapter. First, I will examine Rawls' reasons for giving primacy to justice over other values in evaluating political institutions, and the role of lexical ordering in the internal composition of the structure of justice as fairness. This analysis is important in order to show why the 'lexical ordering of values' is unhelpful in creating the society of equals. Second, I will examine whether restricting egalitarian principles, in their application, to the basic structure of society is compatible with an overall egalitarian objective i.e. creating a society of equals. I will cast doubt on the main rationale for this restriction by making two specific claims.

First, restricting egalitarian principles to the basic structure of society leaves unjustified inequalities to persist within egalitarian society. Second, the restriction of egalitarian principles to the basic structure of society is incompatible with the notion of personal responsibility. This is important in order to show why commitment to social equality, as opposed to mere equality in distribution, can be more appealing in creating the society of equals. In Chapter 3 I will argue that an appeal to social equality requires the sufficiency argument with respect to the distribution of material goods. I will also draw a distinction between material and non-material goods, and show why the classic formulation of distribution has limited applicability in the distribution of non-material goods. In particular, I will draw a distinction between

material, positional and cooperative goods. This enquiry will show that the ‘levelling down’ objection is a misguided concept in respect to the distribution of non-material goods.

In Chapter 4 I will attempt to address the implication of social equality in rectifying disadvantage. In particular I will address two specific issues. First, what forms of disadvantage should be the locus of egalitarian concern? Second, what is the proper way of rectifying disadvantage? The central argument is that in dealing with specific disadvantage, one should not only take into account the form of remedy required, but also whether the remedy is compatible with other aspects of the disadvantaged party’s life - such as her dignity and equal worth. Particular attention will be given to whether the family, as an institution, should be abolished in order to meet the demands of justice.

In Chapter 5, I will argue that Unconditional Basic Income (UBI) for all is justified, even when it violates the conditions of reciprocity. This claim can be justified on two basic grounds, internal to Rawls’ account of justice. First, I shall argue that UBI is warranted on grounds of the state’s neutrality towards citizens’ reasonable conception of good. Secondly, I shall claim that UBI is supported by Rawls’ own account of the social bases of self-respect. Only by securing UBI can one make sense of personal responsibility. In this way, one can only be held responsible when one has been given a *reasonable* opportunity to act otherwise.

2. THE PRIMACY OF JUSTICE AND THE BASIC STRUCTURE

2.1 Introduction

My aim in this chapter is to cast doubt on the idea that egalitarian principles should be restricted, in their application, to the basic structure of society. I will do this by giving strong reasons why restricting egalitarian principles to the basic structure of society leaves unjustified inequalities to persist within egalitarian society. These unjustified inequalities are the result of personal choices, and thus independent of the legally coercive choices of social and political institutions. The main argument here is that even when the basic structure meets [the] just requirements, it is still plausible to have unjustified inequalities within society. In other words, even when the basic structure meets the demands of egalitarian principles, it does not necessarily warrant equality in human relationships. This is important in order to show why commitment to social equality, as opposed to mere equality in distribution, can be more appealing in creating the society of equals. To achieve this end, I will mainly focus on Rawls' position regarding the subject matter of justice and the idea of the 'lexical ordering' of values.⁶⁷ These two features of the Rawlsian account have been the subject of considerable controversy both within liberal as well as so called 'communitarian' trends.

⁶⁷ Rawls **assumes** that the basic structure is sufficient to deliver justice. My intention in this chapter is to develop a new argument using existing resources in Rawls' account of justice. In doing so, I therefore take for granted many assumptions and arguments that Rawls makes in his defence of the two principles of justice. My main argument is that even when the basic structure meets THE conditions set out by the two principles of justice, it does not necessarily warrant equality in human relationships.

Since publication of *The Theory of Justice*, some egalitarian theorists have restricted the scope of justice to the ‘basic structure’ of society. This restriction, originally initiated by Rawls, has a number of important implications, yet so far there are very few papers devoted solely to the subject matter of justice and its legitimacy.⁶⁸ I want to assess the cogency of reasons for this position in order to see whether this restriction holds. In particular, I want to focus on why the ‘basic structure’ is, in itself, thought to be *sufficient* to deliver justice. The main conclusion of this chapter is that both claims are subject to legitimate critique, given their internal deficiencies in achieving egalitarian objectives.

A growing number of egalitarians have argued, along with Rawls, that the basic structure is, and should be, the primary subject of justice.⁶⁹ Three main reasons sum up the main rationale for this view. Firstly it is argued that the basic structure, by virtue of its special features, can best retain just background conditions within a political community. The main objective here is to neutralise the unequal initial starting position.⁷⁰ Secondly, it is claimed that the basic structure sustains major social and economic inequalities which are pertinent to justice.⁷¹ This is why it is applied to the ‘basic structure’ of society - because its ‘effects are *so profound* and present from the start’.⁷² Finally, Rawls argues that by restricting justice to the basic structure of

⁶⁸ See, for example, (Cohen 1989: 1994: 1997), (Sandel 1983).

⁶⁹ (Rawls, J. 1971), (Williams 1998), (Pleasant 2002), (Cohen, G. 2002), (Miller, D. 1999), (Nagel, T. 2005)

⁷⁰ These two main reasons have been given by Rawls as a means to justify his restriction of the two principles of justice to the basic structure of society. (See Rawls 1977: 159-65)

⁷¹ (Rawls, J. 1977: 160)

⁷² (Rawls, J. 1999: 6-7)

society, individual agents are free to pursue their own ends. Put differently, this restriction is justified on grounds of the ‘fact of reasonable pluralism’.

My aim in this chapter is to question the rationale for this restriction. I will conclude that the basic structure is *necessary* but *insufficient* in itself to deliver justice. Quintessentially, I cast suspicion on two specific features of the Rawlsian position. Firstly, I will argue that the assumption that the basic structure contains major social and economic inequalities is at best controversial.⁷³ Secondly, I will argue that restricting justice to the basic structure is logically irreconcilable with the idea of personal responsibility. To achieve this, I will take the following route. In 2.2 I will define in what sense justice takes priority over other values within the Rawlsian account. In 2.3 I will discuss the reasons behind Rawls’ claim that the basic structure is the *primary* subject of justice.⁷⁴ In 2.4 I shall question Rawls’ position and his reasons for restricting justice to the basic structure of society. In 2.5 I will argue that restricting justice to the basic structure of society is incompatible with the notion of personal responsibility.

⁷³ One way to define the basic structure is to claim that it refers to the basic, legally coercive institutions of society. In this respect, the two principles of justice judge only basic legally coercive institutional choices. It is this restricted usage of the basic structure that I will take as the standard Rawlsian position.

⁷⁴ It is important to note that Rawls’ claim that justice is primarily restricted to the basic structure does not rule out the possibility of justice applying to personal choices. It merely asserts that justice’s primary subject is the basic structure of society.

2.2 The Primacy of Justice

First and foremost, Rawls considers justice to be the first ‘virtue of social institutions.’⁷⁵ This characterization has a far-reaching impact on the general nature of Rawlsian theory. First, it restricts the ambit of justice to the basic structure of society i.e., justice judges primarily the choices of social institutions.⁷⁶ This restriction, I shall argue later, leaves some unjustified inequalities to persist within the just structure. Put differently just structure does not necessarily ensure just society. Secondly, Rawls gives lexical priority to justice as fairness over other values. I will begin by briefly describing in what sense justice as fairness takes lexical priority over other values.

In *A Theory of Justice*, Rawls claims that justice as fairness has primacy over other values. This claim has been subjected to criticism by many, including so-called communitarians. But what is meant exactly by ‘primacy’ here, and what are the reasons for giving primacy to justice over other values? In order to answer this, it is important to see how Rawls deals with the question of primacy, and whether there are reasons for such a claim. Rawls claims that

A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust.⁷⁷

⁷⁵ (Rawls 1971: 3)

⁷⁶ This feature becomes more vivid in the work of Dworkin, who seeks to define the best way for government to treat its citizens with equal concern. (Dworkin, R. 2000:6)

⁷⁷ (Rawls, J. 1999: 3)

Here Rawls clearly states that justice is the most important virtue in evaluating political institutions. If institutions fail to be just, they should be reformed, no matter how efficient and well-run they are. One way of understanding the primacy of justice is to say that justice based considerations are weightier than considerations that are grounded on other values when it comes to the evaluation of political institutions. However, in the Rawlsian account, the ‘primacy of justice’ is not just the mere weight of reasons which should be evaluated against other values. For Rawls himself states that

What we cannot do is express our nature by following a plan that views the *sense of justice as but one desire to be weighed against others*. For this sentiment reveals what the person is, and to comprise it is not to achieve for the self free reign but to give way to the contingencies and accidents of the world.⁷⁸

Thus justice is not a subject of trade-offs. This is due to the fact that any consideration that demands a violation of justice has no merit in the decision making process. To demonstrate the force of this claim, consider the following scenario. Say there are two choices available for policy makers: policy A is the most efficient, but incurs some injustice against certain members of society. Policy B, on the other hand, is perfectly compatible with what justice requires, but is less efficient. The mere fact that policy A violates the demands of justice gives the policy less merit, and makes it an option unworthy of being undertaken within the Rawlsian scheme. Hence any consideration which is in direct conflict with justice based claims is valueless in a similar way. As Rawls notes,

⁷⁸ (Rawls, J. 1999: 503)

The priority of justice is accounted for, in part, by holding that *the interest requiring the violation of justice have no value*. Having no merit in the first place, they cannot override its claims.⁷⁹

This interpretation of the primacy of justice is on a par with Sandel's account of Rawls' view. In Sandel's view, justice is prior to any trade-offs, for it is a *means* by which the merit of other values is determined:

... justice is not merely one important value among others, to be weighed and considered as the occasion requires, but rather the *means* by which values are weighed and assessed. It is in this sense the '*value of values*', so to speak, not subject itself to the same kind of trade-offs as the values it regulates. Justice as the standard by which conflicting values are reconciled and competing conceptions of the good accommodated if not always resolved. As such, it must have a certain priority with respect to those values and those goods.⁸⁰

Does this mean that justice is only of instrumental value in the sense that it is only viable if there are diverse and often incompatible values? Sandel's claim seems to make the significance of justice conditional to the existence of incompatible claims based on different values, which in turn deprives justice from having an independent value of its own.⁸¹ This however, is only one reason for embracing justice as a

⁷⁹ (Rawls 1999b: 31-38)

⁸⁰ (Sandel, M. 1983: 15-16)

⁸¹ Sandel's intention is to show that the primacy of justice implies that it has a lexical priority over the good whatever that good may be. This is what makes the Rawlsian account controversial in Sandel's view. This characterization of justice seems to be valid. One essential reason for giving priority to justice over other values is Rawls' attempt to find the

primary value in evaluating political institutions. For Rawls, justice is an *ideal-based* view in the sense that it combines different ideals of modern democratic culture, including claims based on the value of equality and liberty. How these values fit with one another is the defining feature of justice as fairness.

More importantly, Rawls' main intention in giving priority to justice is to undermine utilitarianism. The main problem with utilitarianism is its failure to 'take seriously the distinction between persons'.⁸² Prioritizing justice ensures that no individual member of society is treated unjustly for the sake of the greater good of society. For instance, in Waldron's view, justice is mainly concerned with the distribution of *individualized benefits and burdens* at the expense of any sort of aggregation. This entails that the primacy of justice should be understood in terms of the priority of *distribution* over *aggregation*.⁸³

... justice is assessment of individual outcomes by individualized criteria. We assess how A is faring in the distribution of some good by reference to the intrinsic importance of certain facts about A, such as A's needs or deserts or merits or A's basic moral standing as a person.⁸⁴

For Rawls, this assessment should be seen in regard to the distribution of primary goods. Justice as fairness is concerned not only with equality but also with the

standard via which one can assess the inevitable conflict between competing claims – grounded on different values within political association. However, as I will show, this is only *one reason* why justice is important.

⁸² (Rawls, J. 1999a: 24)

⁸³ (Waldron 2003: 271)

⁸⁴ (Waldron, J. 2006:284)

permissibility of inequalities. Given that the two principles of justice assume the free and equal moral standing of each person, departure from equality requires proper justification, whilst equality, *per se*, does not.

There is also another sense of lexical priority which is internal to justice in Rawls' account. Rawls gives lexical priority to the liberty principle over the difference principle.⁸⁵ This means that basic liberties cannot be restricted other than for the sake of liberty. Furthermore, the difference principle itself permits inequalities provided they are compatible with the conditions of fair opportunity for all. Despite this fine grained ranking, Rawls says very little, however, regarding how equal opportunity can be sustained in a just society.⁸⁶ These two notions of priority, that is, the priority of justice over other values and that of the liberty principle over the difference principle, should be kept separate in order to avoid misunderstanding. With these clarifications in mind, I will now discuss why Rawls considers the basic structure the primary subject of justice.

2.3 The Subject of Justice

In *The Basic Structure as Subject*, Rawls gives a number of reasons why the basic structure of society should be seen as the primary subject of justice.⁸⁷ One reason is

⁸⁵ It should be noted that Rawls draws a distinction between equal liberties and their worth. In the Rawlsian account of justice, equal liberties are guaranteed to everyone, but not their equal worth. This is due to the fact that the difference principle permits inequalities: some have greater authority and wealth, and therefore greater means by which to achieve their ends.

⁸⁶ I will discuss the issue of fair opportunity in chapters 4 and 5.

⁸⁷ In presenting Rawls' position in regard to the subject matter of justice, I will mainly restrict myself to this paper (Rawls, 1977: 159-65).

that the basic structure is capable of preserving just background conditions in order to eliminate the unequal initial starting point.

This structure favours some starting places over others in the division of the benefits of social cooperation. It is these inequalities that the two principles of justice are to regulate.... Thus the relevant social positions are, so to speak, the starting places properly generalized and aggregated.⁸⁸

The function of the basic structure is to safeguard just and *fair conditions* by regulating social processes. To this end, the basic requirement of the two principles of justice should be met in order for social circumstances to qualify as just and fair. This task is accomplished by proper institutional means. Here, Rawls maintains that the justness of the basic structure is independent from particular market transactions. The idea is that even if specific transactions are fair and free per se, this still does not suffice to make the overall scheme just.

For example, it is possible to have fair and free market transactions where economic agents act out of the fair rules of an unregulated market. Even though there is nothing unjust when market transactions take place in this instance, it is by no means a given that the outcome is fair. One possible reason seems to lie in what Rawls sees as the ever changing circumstances of 'social processes', and the need for the basic structure to constantly regulate and readjust background conditions in order to achieve just outcomes. The main point here is that the criterion by which to judge the justness of the basic structure is not the justness of particular transactions, but the overall background conditions.

⁸⁸ (Rawls, 1971: 82)

The point is that even if a specific action, on its own, can be considered just, it is not what justice is concerned with. **Nor does the justness of the basic structure depend on the justness of particular transactions.** Instead, the justness of the basic structure can only be measured in terms of the conditions under which particular transactions take place. Note that justice here is not seen as action based. In other words, justice can be **achieved prior to**, and regardless of, the particular actions that take place within the structure. For example, if the market is regulated and fair conditions are met, whatever actions take place against that background are just. Thus justice, in the Rawlsian account, aims at proper social conditions rather than the particular actions of economic agents.

Another equally important reason for this restriction is that the basic structure sustains all major social and economic inequalities which are pertinent to justice. This feature of the basic structure is fundamental to addressing the distribution of benefits and burdens within a political community. Furthermore, it is this and other relevant features of the basic structure that make the contractual agreements between various associations and individuals compelling in the first place. As Rawls states:

The basic structure most likely *contains significant social and economic inequalities....* What is enjoined is that (permissible) inequalities make a certain functional contribution over time to the expectations of the least favoured... The two principles of justice define the relevant fair process and so whatever distributive shares result are fair.⁸⁹

⁸⁹ (Rawls, J. 1977: 161-165) Also see (Nagel, T. 2005).

Since it contains major social and economic inequalities, its 'effects are so profound and present from the start.'⁹⁰ This claim can be read into ways. First, only those inequalities that are dependent upon the choices of the basic structure are pertinent to justice. Although this reading does not rule out the existence of inequalities which are not sustained by the basic structure of society, it remains indeterminate of whether these inequalities should be neutralised.

A second reading of this claim is that all inequalities of the kind in question share one common feature: their existence is conditional upon the legally coercive choices of institutions. These inequalities will cease to exist if the choices of institutions are guided by the proper principles of justice. Consider the right to vote. In the United States, Amendment 15 of the constitution states that, throughout the nation, no person shall be denied the right to vote on account of her/his race, colour or gender. Since proper institutional provisions have been met, it is not possible for state officials to discriminate against US citizens on grounds of race, colour or gender. Major forms of inequality are assumed to share this institutional pattern, and thus rectifying them requires institutional arrangements of the relevant kind. However, this interpretation seems false, given that there are clearly inequalities which are independent of the choices of the basic structure. The first reading seems to be more plausible, and thus I assume that Rawls' position is that only those inequalities which are sustained by the legally coercive structure of society are pertinent to justice. This position presupposes the distinction between personal and institutional choices.

⁹⁰ (Rawls, J. 1999a: 6-7)

Finally, Rawls claims that an important feature of the basic structure is that it lacks intrinsic goals of its own. By lacking intrinsic goals of its own, the basic structure is fundamentally distinct from any other form of social and economic association within society. It is purposeless because it is no longer based on any notion of common good. It is for precisely this reason that the basic structure is actually able to protect individual freedom. What is revealing here is that the state is based primarily on the political conception of justice, which is distinctive from the religious and comprehensive views held by its citizens. Only by being based on this foundation can the basic structure remain neutral in relation to its citizens' views and ends. However, one may object to this on the grounds that the basic structure aims at achieving justice, and thus does have an intrinsic goal. Since it has this aim, it may not remain neutral to various individuals' aims and aspirations. This objection is wrong headed, because justice is not the intrinsic goal of the basic structure but rather is a **function** of the basic structure. To demonstrate this, consider the following case.

In the case of various forms of association, their ends are grounded in some form of 'good', and are not universally endorsed by members of the political community. For example, take associations formed on religious grounds, which may pursue certain ends, such as salvation. To achieve that end, they may require their members to follow a specific religious path. However, in the broader scale of political community, the very idea of salvation may, for example, be of little interest, or even highly controversial. However, in the case of the basic structure, no specific comprehensive good has been pursued.⁹¹ Rather, it is based on the political conception of justice

⁹¹ Here I refer to the distinction drawn between the political conception of justice as opposed to comprehensive views of good. The main criteria to be satisfied by the political conception

which is *a priori* agreed by reasonable members of contracting parties. To this end, the basic structure has no end of its own but a function to accomplish. Its function is to regulate social and economic institutions in a way that preserves the just background conditions necessary for the existence of free and fair social interactions between different economic agents. The basic structure, in other words, remains neutral in its aim.

However, it can also be argued that since the basic structure, when making decisions in regard to specific social changes within the market economy, does not rely upon any specific good held by citizens, it can also remain neutral in a procedural sense. Note that neutrality of aim does not necessarily entail procedural neutrality. These two notions of neutrality can exist independently of each another. As Rawls notes,

That society as a whole has no ends or ordering of ends in the sense that associations and individuals do... although it has the aim of giving justice to all its citizens, this is not an aim that ranks their expected contributions and on that basis determines their social role.⁹²

This feature of social association gives a distinctive characteristic to the basic structure. By restricting justice to the basic structure one thereby avoids interfering with economic agents' goals. Based on this view, Scheffler and Munoz-Darde claim

of justice are that: "they must belong to a reasonable political conception of justice so that we may assume (i) that they are, or can be, shared by citizens regarded as free and equal: and (ii) that they do not presuppose any particular fully (or partially) comprehensive doctrine." (See Rawls, J. 1988: 253-257)

⁹² (Rawls, J. 1977: 162)

that the restriction of justice to the basic structure of society is justified on grounds of the 'fact of reasonable pluralism'.

Rawls endorses a form of pluralism about moral values and principles. Social institutions should be regulated by his principles of justice, but other groups and individual agents should in general be guided by other principles and may legitimately aim to realize other values and ideals.⁹³

Thus, the main reason for this restriction is the desire to accommodate a 'fact of reasonable pluralism'. The core premise of the fact of reasonable pluralism is that there is a diversity of values, and that these values are incompatible when considered from a single person's perspective. Moreover, despite the fact that these values are incompatible, they are nonetheless reasonable. This criterion of reasonableness makes these conceptions of good permissible within the just society. Whilst it is justified to regulate social and political institutions via the principles of justice, it is inconsistent with the fact of reasonable pluralism to apply the same principles to regulate individual choices. Individuals, in other words, are entitled to pursue their own ends and thus apply different principles in materialising their own values and aspirations.

Given these reasons, Rawls claims that the subject of justice is primarily the basic structure of society. Personal choices and generally non-institutional choices are left outside the ambit of justice.⁹⁴ Since these choices take place within the domain of the basic structure they do not threaten the justness of the structure. Proper regulation and

⁹³ (Scheffler, S. 2005), (Veronique Munoz-Darde 2005)

final correction will remove unjust outcomes. I will now turn to critically assess each reason given in defence of the basic structure as a main subject of justice.

2.4 Critique of the Rawlsian Position

One way to question the plausibility of Rawls' claim that the two principles of justice are restricted, in their application, to the basic structure of society is to ask, as does Cohen, what constitutes the basic structure? For example, consider Rawls' remarks regarding what counts as the basic structure:

The principles of justice, in particular the difference principle, apply to the main public principles and policies that regulate social and economic inequalities... It applies to the announced system of public law and statutes and not to particular transactions or distributions, nor to the decisions of individuals and associations, but rather to the institutional background against which these transactions and decisions take place.⁹⁵

According to this account, the basic structure refers to the basic, legally coercive institutions of society. In this respect, principles of justice judge only the basic legally coercive choices of the basic structure. However, Rawls also claims that the basic structure extends to major social institutions: they may instead be based upon some forms of 'conventions, usage and expectations,' which are shared by the members of a particular political community, including the family structure.⁹⁶ This means that the basic structure is extended to the informal structure of society.

⁹⁵ (Rawls, J. 1996: 282-83)

⁹⁶ Williams, for example, has noticed that Rawls contradicts himself by making inconsistent claims, such as extending the basic structure, on occasion, to 'social conventions and

Hence, we can identify the *restricted* and *extended* form of the basic structure. The restricted form of the basic structure includes the major legally coercive institutions of society, which regulate and enforce various political, economic and social policies. The extended form of the basic structure, on the other hand, not only includes legally coercive choices of institutions, but also the choices that are made within the informal structure. Note that the family structure is sustained by the choices of private individuals. Having established these two options, Cohen then constructs the following dilemma.

If one accepts the restricted form of the basic structure, then the legally optional behaviour of market maximizers, or that of the family structure, remains excluded from the ambit of justice even though those choices which occur within the informal structure may have an equally profound impact on people's lives. For example, a sexist family structure in which a woman is highly oppressed by her husband or is forced to 'carry greater burden of domestic tasks' has a profound effect on the distribution of benefits and burdens amongst members of a just society.⁹⁷ The reason is because the structure of the family is sustained by the personal choices of private

customs'. However, Rawls also states precisely the opposite of this. For example, in terms of the relationship between the ambit of justice and various social practices, Rawls states the following: "*They may be irrelevant for the various informal conventions and customs of everyday life; they may not elucidate the justice, or perhaps better, the fairness of voluntary cooperative arrangements or procedures for making contractual agreements.*" Rawls does, however, sometimes include the family structure as part of the basic structure of society, which is what Cohen also attempts to show. What seems to be true is that Rawls' position is vulnerable to objections, whatever his response may be. See (Rawls, J 1999a, op. cit., pp. 6-7) and also (Williams. A. 1998: 225-247).

⁹⁷ (Cohen 1997, op. cit., pp. 19-20)

individuals, not the legally coercive choices of institutions. In this case, how is it possible to remove those unjustified disadvantages which result as a consequence of personal choices? Note that one main reason for restricting justice to the basic structure is its profound impact on people's lives and expectations.

On the other hand, if one extends the ambit of justice to the informal structure, then it is implausible to exclude personal choices - therefore the distinction drawn by Rawls between institutional and personal choices falls short. In this case, the informal structure should also be included and judged by the principles of justice. Rawls however, cannot adopt this view since his restriction of justice collapses, and the need to accept Cohen's view arises: a fortiori, the Rawlsian position is untenable unless he extends the scope of justice to those legally optional choices within the basic structure. This however may undermine Rawls' main premise.

Rawls is in a dilemma. For he must either admit application of the principles of justice to (legally optional) social practices, and, indeed, to patterns of personal choice that are not legally prescribed, both because they are the substance of those practices, *and* because they are similarly profound in effect, in which case the restriction of justice to structure, in any sense collapses; or, if he restricts his concern to arbitrary delineation of his subject matter.⁹⁸

When Cohen says that justice judges personal action he does not thereby commit himself to the view that personal action is part of the basic structure. This is due to Cohen's non-commitment to the view that the subject matter of justice is the basic

⁹⁸ *Ibid.*, p. 22

legally coercive structure. Rather, his concern is to show that legally optional choices have an equally profound effect on people's lives. Therefore the justness of society is not only a matter of how legally institutional choices are regulated by the principles of justice, but also of how those principles affect the economic and social decisions of private individuals.

Having set out these two readings of the basic structure, it is legitimate to ask why one should care in terms of basic coercive institutions, when the reason for caring about them is 'their profound impact' on people's lives. If this is what really matters, how is it plausible that one has to negate the profound effect of informal social structure upon people's lives? This restriction is untenable unless one draws an arbitrary distinction between two patterns of choice, despite their equally profound impact on people's lives. This will lead us also to reject the claim that the basic structure contains major social and economic inequalities.

There are, indeed, other types of inequality which are not sustained by the legally coercive choices of institutions. These inequalities are the result of personal choices and are thus independent of whatever the legally coercive choices of institutions may be. As noted above, a sexist family structure in which a woman is highly oppressed by her husband has a profound effect on the woman's life. This and other pertinent forms of inequality within the informal structure remain excluded from the ambit of justice, if justice is restricted to the basic structure of society.

These inequalities are sustained by the legally optional choices of private individuals and not the legally coercive choices of institutions. Neither does their proper remedy

necessarily require legal means. Put differently, there are, apart from the agency of the state, other non-state actors whose choices may equally affect the fairness of distribution of benefits and burdens in society. This claim in itself shows that the basic structure is inadequate for the elimination of unjustified inequalities. Thus, it seems wholly arbitrary why justice should judge the choices of legally coercive institutions but not those of **private individuals**, whose actions may have an equally profound impact on the distribution of burdens and benefits in society.

From this angle it can be inferred that Cohen's main concern is to show that a society is not entirely just, even if its government applies the principles of justice, particularly the difference principle, to its basic structure, unless those principles also affect the economic choices of that society's citizens. What seems plausible in Cohen's account is the idea that justice defined as the virtue of institutions fails to even take notice of how individuals ought to change the pattern of their behaviour in order to achieve the goals of justice. This in itself is a strong reason to abandon the dualist account of Rawls.⁹⁹

The general point here is that non-state actors are **capable of** affecting the fairness of distribution, no matter how fair the basic structure may be. It is not unreasonable to claim that socially oppressive and degrading attitudes can affect people's choices and expectations in a fundamental way. This in turn may affect their access to advantage in various aspects of their lives. A predominantly racist southern state in the United

⁹⁹ However, instead of taking notice of this important implication of his argument, Cohen adopts a different route which takes him into controversial grounds. (See Murphy, B. 1999: 266-68)

States for example, until recently, had a profound discriminatory impact on black people's lives even though the law and its public institutions did not discriminate on grounds of race. I consider this to be one reason why the basic structure is **necessary** but **insufficient** to deliver justice and equal treatment to its subjects.

What about the claim that the division of labour is justified in order to accommodate the fact of reasonable pluralism? This is what Scheffler and Munoz-Darde have proposed in defence of Rawls' restriction of justice to the basic structure of society. Given that individuals and private bodies are committed to a diversity of moral and religious views which are often incompatible with one another, surely one should restrict the reach of the two principles of justice in order to ensure that people can pursue their own ends? Rawls himself admits the fact of reasonable pluralism in modern liberal states. Nevertheless, this argument is inconclusive for two basic reasons.

First, the fact of reasonable pluralism presupposes rather than explains this restriction. This is because the fact of reasonable pluralism assumes a general consensus, among the holders of these competing views, in respect to the political principles that guide and regulate their social association. It is only by accepting some common premise, shared by all the members of a political association, that one is able to disagree with one another and demand proper justification. The two principles of justice provide these grounds in order to enable the existence of the fact of reasonable pluralism. Furthermore, the fact of reasonable pluralism, by definition, excludes some conceptions of good as unreasonable, and this requires a commonly shared principle(s)

which defines what may and may not count as a reasonable conception of good.

Rawls himself expresses a similar view when he states that,

Rather, justification is addressed to others who disagree with us, and therefore it must always proceed from some consensus, that is, from premises that we and others publicly recognize as acceptable to us for the purpose of establishing a working agreement on the fundamental questions of political justice.¹⁰⁰

Put differently, disagreement on what counts as reasonable presupposes the existence of consensus, namely a rule which validates some conceptions of good as reasonable whilst excluding others. One therefore cannot hold a view on what counts as reasonable without presupposing a criteria of reasonableness. How is it plausible to define a fact of reasonable pluralism if there is no prior rule that sets out the criteria of reasonableness? Since these principles are *shared among all*, their application is not controversial even when the ambit of justice is extended to the personal realm¹⁰¹.

For the sake of argument however, suppose that one accepts the idea that the division of labour is justified on grounds of the fact of reasonable pluralism. Rawls himself, as stated above, acknowledges the fact of reasonable pluralism in respect to conceptions of good. Since one's conceptions of good may be grounded upon religious doctrine or personal moral conviction, they are often incompatible with those of other people. It is thus difficult, if not impossible, to agree on what may count as a conception of good

¹⁰⁰ (Rawls, J. 1985: 229)

¹⁰¹ Rawls states that "they must belong to a reasonable political conception of justice so that we may assume (i) that they are, or can be, *shared* by citizens regarded as free and equal: and (ii) that they do not presuppose any particular fully (or partially) comprehensive doctrine."

for all. Even if one grants this argument, it remains unclear why this disagreement should not be extended to questions concerning justice, for it is logically plausible to claim that the fact of reasonable pluralism will inevitably lead to disagreement about questions of justice. Why then should one not admit that there is the fact of reasonable pluralism with respect to questions of justice?

It is not uncontroversial to state that, just as there is a fact of reasonable pluralism in respect of conceptions of good, there are conceptions of justice which are incompatible with each another and yet perfectly reasonable. The point here is that it is perfectly plausible to argue that whilst one may grant the significance of the basic liberties in a just liberal state, it is still reasonable to allow pluralism in respect to questions of distribution. Rawls rejects this position, and Scheffler and Munoz-Darde do not provide any reason why this position is unacceptable. In the absence of this, it can be argued that a fact of reasonable pluralism cannot justify Rawls' restriction of justice to the basic structure of society.

Finally, it should be noted that Rawls' claim that members of a just society themselves accept the two principles of justice as binding within social association, is inconsistent with his subsequent claim that the two principles of justice are restricted in their application to the basic structure of society. Put differently, to say that person A accepts rule X, but that acceptance of rule X has no impact on his voluntary choices, is implausible. The main reason for this is that there is a correlation between one's commitments and one's voluntary choices. To see this, consider the following case.

Say I decide to apply to university. Suppose further that, given my exam results, I may choose between becoming a mathematician or pursuing a career within the financial sector. After carefully evaluating my options, I decide to become a mathematician. In pursuing this course, I must have a reason why this is preferable to me to becoming a banker. Furthermore, this reason, whatever it may be, is a constitutive part of what I value, and thus an integral part of my voluntary choice. Given that there is a link between my personal commitments and my voluntary actions, it is safe to say that one's decision to take one course of action rather than another is fundamentally affected, other things being equal, by one's commitments to a 'specific way of life'. Thus the fact that one decides to pursue becoming a mathematician reflects one's prior commitments to a specific way of life.

In a similar vein, now consider a member of a just society, as defined by Rawls. As a member of a just society, one accepts the two principles of justice as binding within one's political association. Within the Rawlsian account, commitment to the two principles of justice assumes the free and equal moral status of each member of a just society. This, in turn, entails that as a member of a just society, one is driven by egalitarian considerations, namely those which enunciate the free and equal moral status of each member of society.

This commitment to egalitarian considerations should, at least, have some impact on one's daily choices, particularly when his/her choices adversely affect other people's quality of life. Just as in the case of deciding whether one should pursue the career of mathematician or businessman, one's commitment to specific values should have an impact on one's voluntary choices. Thus the correlation between one's commitments

and one's voluntary actions, in my view, warrants the claim that commitment to the two principles of justice supports the notion of an egalitarian ethos. Particularly, commitment to the difference principle, in a just society, requires an **egalitarian ethos** on the part of citizens in order to eradicate those unjustified inequalities which are the otherwise unavoidable consequences of legally optional choices. In chapter 5, I will further argue that the realization of the social bases of self-respect is partly dependent on the way people treat one another in a just society. In the remaining part of this chapter, I will argue that restricting justice to the basic structure is incompatible with the idea of personal responsibility.

2.5 Personal Responsibility and the Basic Structure

Unlike luck egalitarian theorists, Rawls' account of personal responsibility does not rely on the distinction between choice and circumstances. Instead, he refers to the capacity of persons to take responsibility for their own ends and preferences. Persons are assumed to be empowered with moral powers i.e. capacity for a sense of justice and a conception of good. Furthermore, Rawls holds that failure to acknowledge the fact that citizens, in a well-ordered society, are responsible for their own ends and aspirations is degrading. Citizens are not passive actors, lacking the moral capacity to take responsibility for their own ends. Citizens, thus, will revise and re-adjust their ends and aspirations in the light of their social circumstances.

But given their capacity to assume responsibility for their ends, we do not view citizens as passive carriers of desires. The capacity is part of the moral power to form, to revise, and rationally pursue a conception of the good; and it

is public knowledge conveyed by the political conception that citizens are to be held responsible.¹⁰²

Here Rawls refers to the idea of reasonableness, i.e. the ability to revise and constrain one's interest in the light of publicly accepted principles. People are thus responsible for their own ambitions, desires and preferences, irrespective of whether such particular desires or preferences have been cultivated freely or not. On this basis Rawls draws the distinction between personal and public responsibility by introducing the index of primary social goods. Whilst it is societal responsibility to ensure the fair division of the index of primary goods, it is the individual's responsibility to bear the cost of his/her desires or preferences, even when an individual does not voluntarily choose that particular preference. This notion of personal responsibility is, strictly speaking, derived from the fair background conditions against which the action takes place. This distinction between Rawls and luck egalitarian theorists regarding matters of personal responsibility, is important. Now I want to turn to briefly introduce the basic idea behind the index of primary goods.

The basic idea is that primary goods provide us with scope for accommodating personal responsibility. These primary goods are thought to be desired regardless of a person's goals and aspirations. The two principles of justice 'assess the basic structure' in terms of the following index of primary goods: rights, basic liberties, opportunities, income, wealth and the social bases of self-respect. In particular, in the maximin rule, 'the measure of benefits is an index of these goods.'¹⁰³ In other words, the role of the basic structure is to ensure that these primary goods are fairly

¹⁰² (Rawls 1996: 186)

distributed between members of society. However, converting these goods into an end is the sole responsibility of citizens.¹⁰⁴ As Rawls states,

The theory of primary goods is a generalization of the notion of needs, which are distinct from aspirations and desires. So we could say: as citizens the members of a well-ordered society collectively take responsibility for dealing justly with one another on the basis of a public measure of (generalized) needs, while as individuals and members of associations they take responsibility for their preferences and devotions.¹⁰⁵

This distinction of primary goods and the desires and aspirations of individuals is thought to set a clear demarcation between institutional and personal responsibility. This can be called the fair division of responsibility.¹⁰⁶ Two immediate questions can be posed so far. Firstly, one may ask whether the ‘fair division of responsibility’ is consistent with Rawls’ own account of equality of opportunity.¹⁰⁷ Secondly, is Rawls’ ‘fair division of responsibilities’ compatible with his restriction of the two principles of justice to the basic structure of society?¹⁰⁸ In the remaining part of this chapter, I will address the latter question by arguing that restricting justice to the basic structure

¹⁰³ (Rawls, J. 1974: 642)

¹⁰⁴ Sen objects to Rawls’ reliance on the equal distribution of primary goods. His main objection is that the equal distribution of primary goods does not treat everyone fairly since people vary in their capability to convert these goods into ends (Sen, A 1993).

¹⁰⁵ (Rawls, J. 1974: 642-43)

¹⁰⁶ It is important to note here that Rawls, unlike luck egalitarian theorists, derives responsibility from the notion of the fair division of responsibility, and not from the distinction between choice and circumstances.

¹⁰⁷ In Chapter 5, I will argue that Rawls’ ‘fair division of responsibility’ is incompatible with his own position regarding the lexical priority of equality of opportunity.

of society is incompatible with the notion of personal responsibility. The first question will be discussed in chapter 5.

As noted earlier, Rawls states that the task of the two principles of justice is to provide a means to an end, not the end in itself. To hold someone responsible for one's end, as Rawls tells us, there should be a logical connection between responsibility and the principles of justice guiding social association. However, as stated (in section 2.3), justice is achieved prior to and regardless of particular actions. A person's actions *per se* have no relevance to the justness of the structure. Nor is their justness or unjustness the concern of justice. If this were the case, how can justice be compatible with personal responsibility? Since a particular action, whether it is just or unjust, has no relevance to the justness of the structure, how is it possible to consider someone's action either just or unjust?

It seems that for one's action to qualify as just or unjust, it is necessary for that action to be pertinent and to fall within the ambit of justice. In other words, even the thought of attributing the adjective of 'just' or 'unjust' to a specific action presupposes the idea that personal actions are relevant to justice. The idea that personal responsibility is part of the package is wholly irrelevant if what justice judges is not specific actions but the structure within which those actions take place.

More importantly, there is no **motivation** for persons to act justly. Knowing that my choices are irrelevant to the cause of justice, I will be wholly indifferent to what justice may require. This is a legitimate concern, since it is a logical consequence of

leaving a person's choices outside of the ambit of justice. Since Rawls excludes personal actions from the ambit of justice it is neither possible nor justified to expect persons to act in accordance with what justice may require. Thus unless it can be shown that a person's actions are somehow relevant to the question of justice in terms of their impact, persons will lack the proper motivation to act justly. This lack of motivation causes further problems when stability is at stake.

Note that one main reason for Rawls to differentiate between the political – as opposed to the comprehensive – conception of justice, is precisely the issue of stability within political society. Here, among other things, he states that to meet this end, it is necessary that citizens themselves accept the principles of justice. This “acceptance” means that citizens comply with the principles governing the basic structure.¹⁰⁹ However, even within this scheme this acceptance has no bearing – direct or indirect – on the justness of the outcome.

Rawls regards citizens as active persons with specific moral powers and who are willing to take responsibility for their actions. However, as stated above, whatever individuals choose to do is irrelevant to the justness of society. If this is the case, it seems that there is no **reason** for persons to choose either one course of action over another provided there is no correlation between personal choices and the demands of justice. Since the basic structure is the sole agency in the deliberation of justice, then

¹⁰⁹ For example, in his response to Musgrave, Rawls defines acceptance in the following way: “To accept or to honour the principles agreed to means to apply them willingly as the public conception of justice, and affirm their implications in our thought and conduct.” (Rawls 1974: 651)

the basic structure is also the sole responsible agency in regard to justice. It also does not treat persons as active beings, since their actions have no bearing in the realization of the fundamental values of that society. Instead, they can be seen as passive beings, whose role is merely to *confirm*, rather than to engage with, political values.

The Rawlsian can object to this on the grounds that Rawls does not rule out the possibility of extending the ambit of justice to judge personal action. Note that Rawls himself only claims that the basic structure is the *primary* subject of justice. The word ‘primary’ does not rule out the possibility of applying the same principles beyond the basic structure of society. It merely states that its primary object is the basic structure of society. This leaves open the possibility of extending the ambit of justice to judge personal actions. However, as Cohen notes, this extended scope does not come without a cost. Thus, whatever the response may be, it will require the Rawlsian to open the door to possible objections regarding the issue of incentives and the impact of the family on persons’ opportunities. In chapters 4 and 5, I will address these two aspects of the Rawlsian account, and propose how social equality, understood in terms of human relationships, can resolve these issues.

2.6 Conclusion

The main goal of this chapter was to examine the cogency of Rawls’ reasons for restricting the two principles of justice in their application to the basic structure of society. He claims that the basic structure is **sufficient** to deliver justice. I have argued against this claim on two grounds. First, it was claimed that justness of society is not only a matter of how legally institutional choices are regulated by the principles of

justice but also of how those principles affect the economic and social decisions of private individuals. Secondly, I have demonstrated that this restriction is incompatible with Rawls' insistence on personal responsibility. If justice can be achieved by regulating the choices of the basic structure, then there is no motivation for persons to act justly.

3. SOCIAL EQUALITY: TOWARDS THE SUFFICIENCY ARGUMENT

3.1 Introduction

In this chapter, I intend to argue that social equality is better equipped to deal with the distribution of non-material goods than its main rivals. I aim to clarify what exactly is meant by social equality and how this differs from the general position held by proponents of economic egalitarianism. In particular, I will attempt to answer the central question of this enquiry: if precise material equalization is not, and should not be, the aim of egalitarian society, then what is the point of social equality?

In response I shall claim that an appeal to social equality requires the sufficiency argument with respect to the distribution of material goods, and will propose unconditional basic income for all as the policy best suited to achieve this. I will then go on to draw a distinction between material and non-material goods, and to show why the classic formulation of distribution has limited applicability to the distribution of non-material goods. This enquiry will show that the ‘levelling down’ objection is a misguided concept in respect to the distribution of non-material goods. From this perspective, the diversity of the spheres of justice plays an important role in drawing a distinction between spheres where commodification is justified, and those aspects of human relationships which are, by their very nature, non-commodifiable¹¹⁰.

¹¹⁰ Throughout this thesis, I will use commodification and substitutability interchangeably. A particular good is a substitute for another if it can at least partially satisfy the same needs.

I will address this as follows. In 3.2 I will highlight the main features of social equality. In 3.3 I shall claim that social equality, defined as a free standing value, is an internal requirement of political membership. In 3.4 I will discuss the implication of the ‘plurality of goods’ on the nature of distribution. In 3.5 I aim to explain the nature and implication of positional goods upon distribution. Unlike material goods, positional goods entail *relative value* to their holders and thus equal distribution is required even when all things are considered. In 3.6 I will make the case for the sufficiency approach with respect to the distribution of material goods, and propose unconditional basic income as the policy best suited to achieve this. In 3.7 I will argue that not all non-material goods are positional goods. Here I will make the case for cooperative goods which are fundamentally different from both material and positional goods. Finally I will draw conclusions.

3.2 Revisiting Social Equality

As stated in Chapter 1, it is possible to draw a distinction between equality in distribution and an ideal of social equality. I claimed that equality in distribution is seen as part of distributive justice and is thus subject to what justice requires. By subsuming equality into the realm of justice, economic egalitarianism avoids answering the primary question of why equality is valuable - instead it simply refers to the idea that justice requires equality in distribution, other things being equal. This advantage does not, however, come without its losses. The most important shortcoming of this view is that equality is always *conditional* upon what justice may require, and if justice requires sacrificing equality for the sake of, let us say efficiency, then equality should give way. Moreover, it is unclear what makes justice require

equal distribution, save in special cases where it is clear that equal distribution is an appropriate way to accomplish specific types of distribution. Why this restriction of equality should be seen as a vice rather than as a virtue is an important question, which I will address later. For now however, my point is that sometimes prioritising what equality, rather than justice, may require, is necessary if social equality is to stand any chance of success.

In Chapter 1, I also claimed that there is another form of equality, which is neither subsumed to justice, nor requires precise equalization of goods. This form of equality is independent from the ambit of distributive justice, and seems to be an important alternative to equality in distribution. One positive outcome is that it avoids the controversial claim that justice requires equality in distribution, as stated above. In other words, it does not attempt to unequivocally impregnate justice with equality. Justice may indeed require, on occasion, equal distribution, but that does not entail that equality is a necessary component of justice.

By separating the realm of social equality from that of distributive justice one thereby avoids the legitimate question of why justice requires equal distribution in the first place. It leaves this question open to the specific circumstances of each distribution.¹¹¹ This in turn makes justice less controversial. It is important to note that I am not suggesting that justice and equality have no relationship. Indeed, the opposite is true.

¹¹¹ I am aware that the link between justice and equality is an important one as far as concerns the distinction drawn between equality in distribution and social equality. In fact, if it can be shown that the economic egalitarians' claim that equality is required by justice is wrongheaded, then it will crystallize the case for social equality. I will return to this concern later.

Rather I am proposing that one can draw a distinction between the ideal of equality and a more restricted account of equality in distribution as an integral part of justice.

Another equally important feature of social equality is that since it does not aim for the precise equalization of material goods, it is less likely to be labelled fetishistic in terms of its objectives. Given these particular features of social equality, one can infer that social equality is not a one-dimensional concept, i.e. it is not exhausted simply by material distribution. It is, in fact, this feature of social equality that makes it both an attractive as well as a controversial concept. It is attractive in the sense that it views equality as a way of identifying a specific mode of relationship amongst members of political association. It is controversial in the sense that it cannot be fully classified or measured as can, for instance, the distribution of resources. However, the mere fact that something cannot be fully rationally classified does not undermine its significance. Having said this however, social equality needs to address the prior question of why equality is valuable. Recall that within the Rawlsian account, equality is the subtopic of the broader notion of justice as fairness.

Another possibility is to define equality as a free standing value with its own merit. This does not entail that equality and justice do not intertwine with one another. Rather, it is to show that equality, as a normative ideal, can be defined as a free standing value alongside justice. Thus, we first need to define the underlying value of social equality.

What is the underlying value of social equality? The answer, I believe, lies in what seems to be an important distinction between social equality and equality of

distribution, namely a special emphasis on social relations. Members of a social association themselves value how they relate to each other and how that relationship enunciates their equal moral worth. This relationship conditions the way they perceive their social standing in regard to one another. This entails that their relationship is a rather manifold one. For instance, the economic relationship between and among members constitutes *one* important aspect of this relationship. Non-material relations are another aspect given higher priority in the ideal of social equality. Members of a political association may forgo higher economic benefits simply in order to preserve their shared conditions and social ties.¹¹² In other words, it is a commitment to specific social values, namely social equality, among other values, that defines their free and equal moral standing in a society of equals.

There are two important points in Norman's view that puts his account in stark contrast to that of Miller. First, Norman grounds equality on social relations. To fill the gap between equality and social standing, Norman introduces the idea of the worth of freedom as opposed to mere formal freedom. Thus freedom, equality and social standing are all closely intertwined. Furthermore, he does not draw such a sharp distinction between social equality and equality in distribution. This, in my view, is a better alternative to Miller's clear distinction between these two notions of equality. Miller is quite clear in his account in regard to the distinctive features of two forms of equality. For instance, he clearly states that when 'we' give reasons for rejecting those types of inequalities that may cause division within social association, we are objecting to inequality not on grounds of fairness but rather based on the claim that

¹¹² (Norman, R. 1987:77)

*'our society should not be like that'*¹¹³. However, this response is too vague to make a sufficient case for social equality.

The point is that social equality captures in an important respect the underlying idea of equal respect which is due to every member of social association by virtue of their most pertinent feature – political membership. This membership overrides all other modes of association within the political community. It is worth noting that an important aspect of this mode of relationship is precisely its political nature, as opposed to other forms of association, with its own underlying motivational background. The question is what makes this mode of association political, and how does this mode of relationship enunciate social equality? More specifically, how does the equal consideration or respect which is due to each member of a specific political community 'generate a commitment to social equality'?

Here we face a dilemma which I believe is hard to overcome. On the one hand, it is an oversimplification to claim that simply being a member of an association will generate an obligation, let alone a positive one, in regard to public institutions and other fellow members.¹¹⁴ On the other hand, even if we grant that membership implies some kind of obligation towards public institutions and other fellow members, it does not necessarily generate an obligation of the sort we are looking for. One way to move forward is to claim that political membership, as a constitutive rule, generates sufficient grounds for each member to be treated with equal consideration. This however may lack motivational force if there is no a priori desire or aspiration on the

¹¹³ (Miller, D. 1998: 24)

part of members to commit themselves to certain egalitarian principles. Thus, we need to find a way to show that grounding equality on political membership is sufficient to generate the motivational force required to treat each member with equal consideration.

3.3 Political membership

Now I intend to analyze and develop one specific view which sees equal respect of membership as the grounds for social equality. Specifically this states that ‘equal respect’ or ‘equality of status’ is an *internal* requirement of political membership, provided every member gives equal weight to one another’s social standing.¹¹⁵ This commitment to the respect based account of equality is not subject to one’s mere preference, but rather is an integral part of the constitutive rule of membership.¹¹⁶ To ensure the respect based account of equality, I shall argue that one needs to design rules and procedures governing social and economic relations in a way that no member of society is disadvantaged in terms of his/her access to opportunities to

¹¹⁴ For an interesting discussion on membership and related issues in regard to political membership see (Walzer, M. 1983)

¹¹⁵ Dworkin, for instance, expresses a similar view when he discusses the nature of political association. He attaches special responsibilities to membership of political community provided its members give equal weight to each member’s wellbeing. This special relationship is not the subject of members’ feelings but rather a property of constitutive rules (Dworkin, R. 1986: 198-206).

¹¹⁶ I will use the terms ‘respect based account of equality’ and ‘social equality’ interchangeably.

pursue his/her own conception of good.¹¹⁷ In this construction, membership is the most pertinent feature of individuals. This common feature is the proper subject of equal respect. For this to succeed it is vital to show that social equality is closely linked to the underlying idea of equal respect or, more simply, that failure to show equal respect to each member is on a par with/ equivalent to an inequality of status within the political association. Thus, we need to show how and in what ways inequality of status can undermine the respect based account of equality. This can be achieved if it can be shown that inequality of status can have an adverse impact on people's opportunities to pursue their own conception of good, other things being equal. Before we proceed further, two important clarifications are necessary.

First, there are formal inequalities of status within social association that may not undermine the underlying value of respect. For example, consider the relationship between teacher and student. Even though the teacher, by virtue of being a teacher, is positioned as superior to the student in some pedagogical sense, this does not necessarily entail that the teacher is superior to the student in a sense which is relevant to the ideal of social equality. It is merely a formal characteristic of status which should not worry us here. Put differently, such positional differences do not count as an inequality of status. Thus all sorts of positional 'inequalities' are excluded from the ambit of equality. Nor should these inequalities be of particular concern to egalitarians.

¹¹⁷ In its common usage, disadvantage refers to the property of having an inferior position. From this it can be inferred that a person is disadvantaged if she has a less favourable position in terms of her access to opportunities and resources compared to other members of society. There are however, as I will argue in chapter 4, a number of other ways in which one can be disadvantaged which do not necessarily involve having fewer resources than others.

Some conservative theorists have raised objections to egalitarianism on precisely these considerations i.e. egalitarians fail to accept the fact that social positions are inherently hierarchical. Furthermore, it is claimed that concern with equality is inconsistent with one's sense of belonging.¹¹⁸ If this turns out to be a plausible argument, then the case for equality becomes impotent. I will therefore address this last point before I move on to discuss the divergence between justice and the ideal of social equality.

John Lucas, for example, in his objection to egalitarianism, claims that a hierarchical society is better able to ensure that each person retains his/her sense of individuality. He states that

It is better to be a bathroom attendant in an Oxford college than to be a prosperous proletarian in an amorphous plebs, because the bathroom attendant, although he occupies a relatively lowly place in the college hierarchy, nevertheless is enabled to feel that he is a valued member of that society, making a real and definite contribution to its well-being. In comparison, a modern egalitarian society can be very heartless, showing no concern for any individual as such.... If the only social relations are transitive symmetric relations, then I necessarily stand in exactly the same relationship to society as anybody else, and therefore I have no social position which is peculiarly my own... I shall reject the ethos of egalitarianism and see positive merit in a

¹¹⁸ (Lucas, J. 1972: 266-67)

social order which acknowledges the distinctiveness of the individual and therefore the *differences* between men.¹¹⁹

The main point of Lucas' critique is that the egalitarian pursuit of equality is incompatible with the sense of one's belonging, and thus should be avoided. The sense of belonging is primarily defined in terms of one's social position. So the bathroom attendant is better off than the wealthy proletarian because he is valued for his specific social position, which in turn retains his individuality, and thus differentiates between him and others. This equal standing, Lucas tells us, does not allow legitimate differences in society to be appreciated for what they are. This however seems to be a misrepresentation of an egalitarian position.

First, it is not at all clear how inequality of status can ensure one's sense of individuality. Consider the caste system in Indian society. The 'untouchables' are considered the lowest caste in the social hierarchy. As a member of this caste, one can retain one's sense of individuality, according to Lucas, because one is treated specifically by virtue of one's social position. This however, seems an absurd proposition. In fact, being merely defined by one's social position may also involve unjustified discrimination on the part of others. As a member of a specific class, one may also change one's expectation of how one is going to be treated, and in the case of 'untouchables', that treatment is not particularly dignified. This treatment, in turn, undermines one's self-respect, due to the knowledge that one's low social status fundamentally affects the way one will be seen by other members of other classes. In

¹¹⁹ *Ibid.*, p.267

a similar fashion, it is plausible to say that the Oxford bathroom attendant may not necessarily agree with Lucas' rosy picture of his happiness. Arguably, if individuality comes at such a price, it may be better to be a 'wealthy proletarian' rather than an individuated being.

Furthermore, it is important to note that the egalitarian society is compatible with legitimate differences. What egalitarians object to is not particular social positions, but rather that one's social position should entitle someone for differential treatment, or that one's social position should give a person an advantage in gaining socially desirable positions. In other words, it should not influence one's opportunities. Thus, whatever one's degree or social position may be, it should not affect one's relationship with others. This is however not incompatible with valuing person X's expertise in maths or philosophy. As I said at the outset, the teacher, by virtue of being a teacher, is positioned as superior to the student in some pedagogical sense, but this sense of superiority should not be perceived as undesirable in an egalitarian society. On the contrary, social equality, as it is presented here, enunciates this mode of relationship.

Secondly, it is worth noting that sometimes it may happen that inequalities of status can undermine respect and yet be legitimate on the grounds of justice. These types of inequalities may force us to override what justice may require in order to ensure respect for everyone. Are there any examples where this can be seen clearly? Consider the case where justice requires merit based distribution.

Suppose that John is extremely talented in almost every sphere of distribution. He is so gifted that he does not need to make much effort in order to do exceptionally well in different activities. If he becomes the best off in society just because justice requires to each his/her due then he will end up as superior to others. This overwhelming superiority creates a division within and among members of a social association, and will therefore undermine equality of respect. In this example, it seems that the only solution is to override what justice may require, not because John's overwhelming advantage is unjust, but because it threatens the equal respect which is due to everyone. In other words, it creates a hierarchical society. The trade off between justice and equality is a matter of the degree of permissibility of an accumulation of advantage. This resolution can thus be justified on grounds of the relational aspect of equality.¹²⁰ If one is involved in relations of domination and subservience in regard to other members of one's own society, that treatment is tantamount to an inequality of respect. That feeling of inferiority is also damaging to one's self respect and the sense of one's belonging.

As noted earlier, one needs to show that inequality of status is tantamount to disrespect. On its surface it seems that inequality of status inevitably brings inequality of respect. To show this, it is essential to elucidate the relationship between being treated with equal respect and the ideal of social equality. Before I show the link

¹²⁰ The opposite is also true though. For instance, social equality, understood as complex equality, may not generate an overall egalitarian outcome, if one considers resources or preference satisfaction as the only currency of distribution. This is an important confession which needs to be dealt with separately. However, it is important to bear in mind that social equality aims to achieve overall equality, all things considered.

between respect and the ideal of social equality, it is necessary to clarify in what way respect for persons is different from non-human entities. What is, in other words, so special about respecting persons as opposed to showing respect to non-human entities? This question is relevant because respect can give us reasons for all sorts of values, just because the object is of some value for a particular person. I may value art or ancient monuments purely because I enjoy them. Someone else may, however, be completely indifferent to art. The fact that I value art is mainly driven by my preferences and thus does not entail that other people should also value and thus respect it. In other words, there is a correlation between one's preferences and one's values. If this is the case, can one say the same in regard to reasons of respect for other people? I believe not.

The reasons, in treating others with equal respect, are imperative in the sense that they are not conditional upon one's feelings and tastes. This is mainly due to the fact that the recipient of equal respect himself values some pertinent features about his 'reality'. This is what makes treating people with equal respect different from valuing other non-human goods. A person's concern, for example, with ancient monuments depends upon the tastes and inclinations of that particular person, who happens to enjoy spending his time preserving or exploring ancient monuments. He can, after some time, give up this inclination or interest completely. This may be due to a change in his circumstances or his discovery of other interests. This is not to say that he/she no longer values ancient monuments. It is just that he/she may relinquish the active pursuit of engagement with a specific object of value. Does this mean that the same is also true with regard to treating other people with respect? I believe that

treating people with respect and the reasons it generates are independent of people's inclination in at least one important aspect.

One's reasons for treating people with equal respect are not bound to one's inclinations. They are derived from the moral urgency of dealing with the valuers themselves rather than the objects of value. In the absence of valuers, as Raz correctly notes, it is pointless to say that something is of value:

The first stage of respect, recognition in thought and expression, contributes to maintaining attitudes which enable people to engage in value. This phase involves both individual and social aspects. On the one hand, in acknowledging that what is of value is of value in one's thought and expression one is holding oneself open to the possibility of engagement with value, even where one has no interest in doing so, where one knows that one will never engage in it. On the other hand, in maintaining these attitudes oneself one is contributing to a social-cultural climate which makes engagement with these values conceivable and respectable.¹²¹

Furthermore he holds that acting on 'reasons for respect' does not impose sacrifices upon individuals. Note that if this is true it would be misguided to say that social relations of the kind in question are costly in the sense that dining at the Ritz is. Even if it may be true that social relations may occasionally be costly as far as concerns material expense they can, nevertheless, contribute to one's fulfilment in life.

¹²¹ (Raz, J. 2001: 167)

Consider the case of a young family thinking of having a child. They may think that having a child is very costly. It may require jeopardising one's career in order to spend time looking after the child. However, seeing cost as the only relevant reason in deciding to have a child is demeaning. Apart from the cost it may entail, there is more to having a child in one's life. It can be extremely rewarding, provide positive purpose in life, and may strengthen family bonds. Of course there is nothing that denies the relevance of taking material costs into account in one's decisions about raising a child. But the basic rationale is that there are also, depending upon what *sorts of goods* are involved, other pertinent reasons for having or engaging with them. In the case of having dinner at the Ritz however, it seems that cost is one central reason in deciding whether or not to go. Thus, acting on 'reasons for respect' tends to enhance one's life even when acting upon them may involve some cost:

reasons for respect, far from imposing sacrifices on people, contribute to the value of their own life, as the pursuit of reason generally does.¹²²

Two important conclusions can be drawn. First, acting upon 'reasons for respect' is conducive to the fulfilment of one's life and fortiori cannot be considered as burdensome even when its realization may require some 'personal sacrifice'. This, in turn, entails that to apply economic calculation as a standard of measurement in judging the value of 'reasons for respect', is to miss the point. In the case of political membership, it is the manifestation of equal worth of each member that generates the reason for treating fellow members with equal consideration. Second, holding attitudes pertinent to respect is essential for the possible realization of the value of

¹²² *Ibid.*, pp.167-68

membership. These conditions are necessary for the ideal of social equality to have a proper place and relevance in social cooperation.

However, one powerful objection can be raised in regard to the issue of valuers and valuing. It states that valuers may not value certain aspects or some pertinent features of their own. For example, the valuer may fail to value the idea of being treated with respect. This is so because he does not value specific features about himself due to, let us say, the way he has been brought up. Since he does not value those features, he is not hurt by the way he has been treated. Whether he is treated with indignity or carelessness, he has no objection. This objection derives its force from the very idea of subordinating the value of respect to persons' conditions. Since it was stated that valuers value some pertinent facts about themselves, the very idea of valuing is in the grace of the valuers. One interpretation of this argument is that one's concern for respect is dependent upon whether the recipient of respect may benefit from being treated with respect. This dependence makes the idea of respect vulnerable to this objection.

One possibility is to claim that as far as concerns respect and reasons for respect, valuers **ought** to value pertinent features about themselves, other things being equal. Moreover, as stated earlier, it can be argued that the reason for showing equal respect is inherently political, i.e. it is derived from the constitutive rule of political membership. Political membership, unlike other forms of membership, is a given status. Showing respect to members of one's community is required by the very fact

of membership rather than one's mere preferences. To ignore the force of reasons generated by political membership is to deny the very fact of political association.

It is also relevant to say that if one's concern for respect is based on whether one benefits from it in terms of achieving a desired outcome, then much of what we value about liberal democracy seems impotent. Take the case of voting where, by virtue of being a citizen of a particular political community, each citizen is empowered with the right to vote. I may well know that my preferred candidate, who is standing in opposition to the majority's candidate, is more likely to lose the election, yet what I value is the fact that **I am able to exercise my power to vote**, just like everyone else. It is this which makes the practice of voting worthwhile: the object of my concern for respect is precisely the feature that I am endowed with, i.e. being an equal member of a political community. Put differently, respect for persons is required irrespective of whether showing respect may benefit its recipient or not.

However, grounding equality on political membership may have both advantages and disadvantages. One important advantage of grounding equality upon political membership is that political membership is an inclusive term with respect to differences within particular society. Unlike reciprocity based claims for instance, it does not discriminate against people who are unable to contribute to society's purse. The claim that justice is owed to those who can 'give' is exclusionary by nature.¹²³ It excludes people who are unable to give for reasons which may be morally arbitrary. Many disabled people may be unable to contribute directly to the production of social

goods, just as might be the case for those who have failed, for some reason, to enter the labour market, or those who experience long term sickness. Moreover, children might also fall into this category, regardless of their future potential to contribute. The main problem with reciprocity as a condition of just treatment is not simply that it excludes a certain group of people, but that disregarding these people's interests is consistent with the demands of justice.

On this basis, reciprocity, even though an essential part of any account of distributive justice, should not be taken as a sufficient condition for a person to qualify for just treatment. Based on these considerations, I will take political membership as a sufficient ground for a person to qualify for equal treatment. This will be an inclusive criterion within the specific political entity even though it may still remain exclusionary in respect to non-members or outsiders. The immediate question is how to deal with people who are not members of a political community, but who reside within a particular state. More specifically, how should one deal with guest workers, or people who happen to reside within a specific state and yet do not, legally speaking, qualify as citizens?

The short answer, although an unsatisfactory one, is to say that whoever falls within the jurisdiction of the specific state is entitled to the same treatment, provided they respect and abide by the rules of that specific state. Accordingly, if a guest worker contributes to the social purse by paying his/her taxes, and respects the rules of the state, then he/she is entitled to qualify for just treatment. Even though the answer may

¹²³ Here I am referring to Rawls' position which states that 'justice is owed only to those who

sound too simplistic, it is nonetheless a plausible one. To see this, consider the following example.

Suppose that a child has decided to join a cricket team in his new school. As a new member of the team, he/she may be given a less important position on the field. Although he may not enjoy this, showing respect for the decision of the team may finally pay off. After a while, he may be given the opportunity to bat or bowl, and be integrated fully into the team. One essential reason for this is that by showing respect to the team's decision, he will finally gain the mutual respect of his peers. In a similar way, guest workers or permanent resident holders can qualify for equal treatment so long as they acknowledge that the rules and norms of the state are binding.

To recap, social equality aims to create conditions which are necessary to sustain equality in human relationship, namely the relationship which fosters respect for each member of a particular political community. In this regard, social equality, unlike equality in distribution, aims to ensure this equality of human relationship rather than being primarily concerned with distribution along the line of any specific metric. The notion of distribution comes into play only to ensure conditions which are necessary for creating the society of equals. Next I will discuss the implication of the ideal of social equality in the distribution of material goods.

3.4 Plurality of Goods

In chapter 1, I argued that complex equality fails to achieve what social equality is aiming for, i.e. the conditions which are necessary to ensure respect for each member of society. However, two features of complex equality can serve as a useful device in dealing with issues of distribution. First, unlike equality in distribution, complex equality is not aimed at or concerned with the ‘strict economic equalization of material goods’. Material goods, in this account, play only a *mediating* role in enabling members to pursue their own ends, and therefore their possession does not exhaust the value of social equality per se. Secondly, since there are diverse social goods, a diversity of distributive schemes is required.¹²⁴ Unlike equality in distribution therefore, social equality claims that given the fact that there is a diversity of ‘goods’ it is implausible to give priority to one particular metric of distributive scheme.

For instance, in the case of economic goods, money is considered the only metric of distributive justice. Here, money, like other social goods, is but one specific sphere of distribution. Furthermore, social equality can be achieved only if the distribution in different spheres is *autonomous*. The reason for this separation is that it prevents those

¹²⁴ It is important to note that economic egalitarians generally assume that there is one sphere of distribution, with a single currency. Walzer, on the other hand, claims that there is a diversity of distributive spheres, each with its own currency which cannot be applied beyond the specified sphere. For instance in the political sphere, political power can be seen as a good, and equality as a relevant criterion of distribution

who gain advantage in one specific sphere of distribution from converting it into an advantage in other spheres of distribution, in which they may fare badly. These two features are, however, insufficient for achieving social equality. For clarity, consider the following case.

Suppose that John is a successful entrepreneur who has accumulated a significant amount of wealth. I stated earlier that provided John does not multiply this advantage by acquiring further advantages in other spheres, there is nothing wrong with being advantaged in one specific area. For instance, by buying political influence, John may promote some of his ends. In this case, it makes perfect sense to apply the principle of separation of the spheres of distribution by preventing John from exerting such influence. Not all such cases are so easily resolved. This is particularly true in the case of money as a dominant good.

It is hard to foresee how one can block the process of multiplication when money is involved in acquiring, let us say, an extra house. Consider again the case of John, the successful entrepreneur, who now wants to build a big house in the centre of town even though he already owns a house in the most expensive street. If one blocks this movement then it makes almost no sense. It is either legitimate for him to acquire an extra house, or the idea of money as a means of purchasing other goods loses its importance. The same is true in regard to leisure activity. John's wealth will automatically give him an advantage in the sphere of leisure. He can afford to most expensive holidays to the most exclusive destinations. In such instances, it seems almost impossible to consider this multiplication of advantage as illegitimate. Thus

being advantaged in the domain of money gives its holder a legitimate advantage in some other specific spheres.

This is due to the nature of money as a means of exchange between different goods. Nonetheless, there are strong reasons to block this process of conversion in regard to other specific spheres of distribution, since it may lead to the commodification of a whole range of goods even if those goods are essentially non-commodifiable according to their relevant criteria. This is particularly true in respect to non-material goods. For this reason it is important to identify where, or in which spheres of distribution, money should be disallowed from being converted into an advantage, while leaving other spheres of distributions open to the realm of money. Thus we need to identify spheres of distribution in which commodification is plainly wrong on grounds that are internal to those spheres of distribution.

This is not an impossible task. For instance, it is possible to identify some basic distributive spheres where the influence of money should be blocked, such as political power and public office, legal representation and so on.¹²⁵ The general point however, is that the mere separation of the spheres of distribution is insufficient to prevent the conversion of an advantage from one sphere to another in some circumstances. Thus we need to show that conversion from one sphere to another is not merely undesirable but is also wrong in the sense that it violates the equal status of political membership. The idea that there is a diversity of distributive spheres can only make sense if one accepts the diversity of 'goods' into one's considerations in proposing distributive

schemes. Thus distribution should respect the specific features of the ‘good’ in question, and act accordingly.

3.5 Positional Goods

A positional good, Hollis tells us, is one “which a person values only on condition that not everyone has it.”¹²⁶ This definition reveals two important features of these goods. First, by definition, most positional goods are only valuable by virtue of their scarcity. In other words, positional goods, by virtue of their scarcity, are ranked high in the list of desirable goods. For example, real estate located in an exclusive location may be one instance of a pure positional good which is valued, if not exclusively, by virtue of its scarcity. The acquisition of such a good can only benefit one at the expense of another. In this respect they can be characterized as zero-sum goods.

Secondly, like land, most positional goods cannot be created, only redistributed. This simply means that to attempt to create positional goods so that everyone can have them may devalue the positional feature of these goods. Take, for example, the case of a place at a prestigious university such as Oxford. If one tries to expand admission to the university in such a way that every second applicant is able to get a place, then

¹²⁵ For instance, in the political sphere, political power can be seen as a good, and equality as a relevant criterion.

¹²⁶ Hollis also draws a distinction between vertical positional goods and horizontal ones. A vertical positional good is one whose value to its possessor depends on her overall position in the distribution of the good. A ‘horizontal positional good’, on the other hand, is one whose value for its possessor depends on whether others possess other relevant goods. For instance, one’s talent in football is conditional upon whether that talent is valued by others. Here I will

it may devalue the Oxford degree relative to degrees from other universities. This entails that although positional goods, like material goods, can be created in some instances, this is only achieved by devaluing them.

Within the sphere of positional goods however, one can draw a distinction between goods which have only a positional value and goods which have both a positional and non-positional value. Some positional goods are valued by their possessors irrespective of their positional value. For instance, education is a positional good which has both a positional and non-positional value for its holder. For example, the value of my degree is relative to whether others have the same degree or not. If I happen to be the only degree holder in a small town, I am more likely to get the best job in my area of expertise. However, if there are many others who share the same degree, the relative value of my degree decreases. What this shows is that unequal distribution of education will make some people absolutely worse off than they would have been under equal distribution within the sphere of education.¹²⁷

On the other hand, education, irrespective of its positional value, may have an absolute value for its holder too. Someone may wish to pursue education for the sake of being educated rather than in order to compete in the labour market. Take someone studying mathematics just because he/she is fascinated by mathematical puzzles and devotes his/her entire life and resources to solving mathematical puzzles. In this

mainly focus on 'vertical positional goods'. See (Hollis, M: 1985), (Hirsch, F: 1977). For a recent discussion of the nature of positional goods see (Brighouse & Swift 2006: 471-497).

¹²⁷ (Brighouse & Swift 2006: 472-73)

instance, education is seen as enriching one's life. Other positional goods may only be valuable in terms of their positional character, such as legal representation or social status. In debating the importance of positional goods, I will use the case of education. The important point here is that positional goods are logically distinct from material goods. The value of me having a glass of red wine does not depend upon whether others have it or not. Its value is innate and thus independent of whether others possess it. This cannot be said in regard to positional goods. Given these features of positional goods, how should we proceed in distributing them? Before I address this question, I will first discuss the implication of the ideal of social equality for the distribution of material goods. I shall claim that with respect to questions of distributive justice, an appeal to social equality supports the sufficiency approach to the distribution of material goods, and I will propose unconditional basic income for all as the best way to achieve it.

3.6 Towards the Sufficiency Principle

As stated in 1.4, social equality is not primarily concerned with distributive equality, and therefore its achievement may not necessarily require strict equality in the distribution of economic goods. At the core of the ideal of social equality lies the safeguarding of equality of human relationship within a specific political association. I argued in the previous section that one way to ensure equality in human relationship is to design rules and procedures governing social and economic relations in a way that ensures respect for each member of society, i.e., people are not disadvantaged in their opportunities to pursue their own conception of good, other things being equal. Thus, the notion of distribution comes into play only to ensure conditions which are

necessary for creating the society of equals. This particular relation, in turn, makes a certain distribution of goods a relevant feature of social association which is consistent with equal respect to each member of society, and excludes others.

I will argue below that an appeal to social equality supports the sufficiency approach to the distribution of material goods, and will propose unconditional basic income (UBI) as the best policy to achieve this. The fundamental reason for embracing the sufficiency argument with respect to the distribution of resources, rather than strict equality in distribution, is because the sufficiency argument provides the necessary conditions to ensure that no member of society is disadvantaged in his/her opportunities to pursue his/her own conception of good.¹²⁸

Recall that I claimed that ‘equal respect’ or ‘equality of status’ is an *internal* requirement of political membership, provided each member gives equal weight to each other’s social standing. A society treats its members with the respect based account of equality if no member of society is disadvantaged in terms of his/her opportunities to pursue his/her own conception of good, other things being equal. Thus, in this view, distribution aims to ensure the respect which is due to each member, rather than being an end in itself. I will now compare the implication of the respect based account of equality with both Rawls’ difference principle, and the sufficiency principle.

¹²⁸ Disadvantage refers to the property of having an inferior position, meaning that a person is disadvantaged if he/she has a less favourable position in terms of her access to opportunities and resources compared to other members of society. There are, however, a number of other ways in which one can be disadvantaged which do not necessarily involve lack of resources.

One version of the difference principle states that inequalities are justified only if they benefit the least advantaged in society.¹²⁹ In light of this interpretation, departure from equality is justified if, say, the overall outcome benefits the worst off in society.¹³⁰ An important feature of the difference principle is that it avoids the charge of ‘levelling down’, for, like the sufficiency principle, it allows inequalities in order to make everyone better off. Consider three distributive schemes:

A = (10) (10)

B = (12) (25)

C = (11) (15)

In principle, the difference principle will allow a change from A to B and A to C, given that under B and C everyone fares better than under distribution A. On its surface, if distributions B and C are available, it seems irrational to prefer distribution A. Given the conditions set up by the difference principle, it is thus justified to forfeit an equal distribution for the sake of an unequal one. The ideal choice would be distribution B, even though the gap between the best and the worst off has increased substantially. But what happens under the sufficiency principle?

There are, as I will argue in chapter 4, a number of sources for someone being disadvantaged and thus, depending on the source of disadvantage, the remedies may vary.

¹²⁹ (Rawls, J. 1971: 71-73)

¹³⁰ Note that, given his main argument for incentives, Rawls can neither rely upon the entitlement consideration nor can he justify incentives on the basis of desert. Rawls himself dismisses both considerations. (See Rawls, J. 1971: 88-89)

To recall, the sufficiency principle demands that everyone should have enough to be able to pursue their own ends. For the sake of argument, suppose that having 11 is considered enough in our scheme. According to the sufficiency principle, distribution C would be just, even if distribution B is also available. From the point of view of the sufficiency principle, there is no extra duty to redistribute as long as the least well off have 'enough'. The question now then, is what is the preferred choice under the ideal of social equality?

We have said that social equality is primarily concerned with how people relate to one another in a society of equals. This entails that redistribution should take place in a way that ensures conditions which are necessary for equality in human relationships, i.e. relations which are based on mutual respect among members of a specific political community. To ensure this equality of human relationship, the need thus arises for some form of redistribution. Before we know what is required under the ideal of social equality, it is imperative that one puts some flesh onto our example. First, what sort of good is at stake? Since the example is an abstract one and does not specify this, it is not clear what form of distribution is required under the ideal of equality.

Suppose what is at stake is the division of cake. Since cake is a material good, it can be created with time and extra effort. By giving an incentive to the talented to work harder, one may end up with a cake that is bigger than the original. In this case, social equality may demand the sufficiency principle, for it may not require strict equality within one specific sphere of distribution – particularly when the good is a material one. The main reason for this is that social equality aims to create conditions which are necessary for retaining equality in human relationships. This relationship can be

sustained by providing everyone with sufficient means to pursue their own ends. Note that, under the ideal of social equality, the notion of distribution comes into play only to ensure conditions which are necessary for creating the society of equals. This means that under the ideal of social equality, distribution C will be just because it provides sufficient resources for each member to pursue his/her own conception of good. The immediate question asks why one should accept distribution C, when under distribution B everyone is much 'better off'. My response is the following.

Firstly, it is important to note that the term 'better off' cannot be taken to mean that one is better off in an absolute sense. Here 'better off' under distribution B can only make sense if one's primary concern is to maximize one's possession of material goods no matter what. Whilst it is true that in terms of money everyone is better off under distribution B, it is not obvious that everyone is better off in terms of other currencies. High levels of inequality may erode social relationships between members of a particular social association, and may undermine any existing sense of solidarity. Thus, even though everyone is materially better off under distribution B, distribution C may still be preferable in order to secure equality of human relationship within social association.

More importantly, it is hard to justify why maximising wealth for the sake of wealth should be considered valuable. As stated in Chapter 1, one objection that Frankfurt raises against economic egalitarianism is that 'wanting to maximize' one's wealth no matter what is fetishistic. The desire to have a satisfactory life does not necessarily entail that this desire has to be satisfied to a maximum degree. After all, money is only a *means* to reach certain goals or ideals that people value, and not an end in itself.

Given that distribution C satisfies the demands of the sufficiency argument, why should one favour distribution B, in which the level of inequality is so high that it may undermine the equality of social relationships? For these reasons, it can be inferred that distribution B is the best choice if one merely wants to maximize one's wealth. However, it may still be possible to prefer distribution C without necessarily violating the demands of rationality. To recap, with respect to the distribution of material goods, an appeal to social equality supports the sufficiency argument. This ensures that no member of an egalitarian society is disadvantaged in his/her opportunities to pursue his/her own conception of good.

However, it is important to spell out the best way of achieving the sufficiency principle. As it stands, adopting the sufficiency principle with respect to the distribution of resources may be subject to a number of objections. First, how should one define the level of sufficiency, given the diversity of individual aims and aspirations? Secondly, it can be objected to on the grounds of scarcity i.e., there are a finite amount of resources, and as such, it may not be possible to meet the demands of the sufficiency principle in the real life. Finally, the sufficiency principle, like general welfare based egalitarianism, can be subject to the well-known problem of 'expensive tastes', namely, the idea that it is unfair to compensate people for having expensive tastes. To illustrate this point, consider the case where person A has cultivated a taste for expensive wine, whilst person B has very inexpensive taste in wine. Under the welfare based approach to equality, it is necessary to provide extra resources to person A in order to equalise his/her welfare with that of person B. This is, however,

objectionable from an egalitarian point of view.¹³¹ It is therefore important to define the best policy for attaining the sufficiency principle without necessarily being subjected to the aforementioned objections. I will propose unconditional basic income (UBI) for all as the policy best suited to achieve the sufficiency principle.

For the sake of argument, suppose a slightly different scenario in which there are only two distributive schemes available to us. Note that in the real world, scarcity of resources may deprive us from meeting the demands of the sufficiency principle. Consider the following two distributive schemes, neither of which meets the demands of the sufficiency principle:

A = (7) (7)

B = (8) (15)

Suppose further that having 10 is considered enough to provide everyone with sufficient means. Given that the sufficiency level is unavailable, what distributive scheme should be adopted under the ideal of social equality? As noted earlier, under the difference principle, departure from equality is justified if it improves the position of the worst off. Thus, under the difference principle, distribution B is just. Under the ideal of social equality, if the sufficiency level cannot be met, what is the best policy with respect to the distribution of resources? I propose UBI for all as the policy best suited to achieving the sufficiency principle. UBI is sensitive to all three possible objections whilst ensuring that each member is provided with the basic resources to pursue their own conception of good.

¹³¹ (Dworkin, R 1981: 185-345). For a defence of the welfare based approach to equality, and a critique of Dworkin's position, see (Cohen, J. 1990).

One way to define UBI is to state that everyone is entitled to the highest possible basic income irrespective of their willingness to work. It should be clear that although UBI may fail to give everyone sufficient means to pursue their own ends, its realization will, at least, ensure that every member of society is treated with the basic respect that is due, as well as providing positive conditions for the social bases of self-respect.¹³² Furthermore, by definition, UBI incorporates the issue of scarcity of resources and thus can provide a framework for redistributive matters. In a similar vein, UBI is not subject to the ‘expensive taste’ objection, for it only ensures universal basic means for each member to pursue his/her own conception of good.

Whilst an appeal to social equality is compatible with the sufficiency principle with respect to the distribution of material goods, it may demand a different distributive scheme with respect to the distribution of non-material goods. Having made this clarification, consider now the case where the ‘good’ is not cake but education. One important feature of education is that even though it has positional value for its possessor, it nevertheless has non-positional value too. One may state therefore that the reason one invests in his/her education is not that he/she wants an advantage over others, but simply because he/she wants to advance his/her knowledge. Put differently, aside from its positional value, being educated is good in itself.

However, it is also true that education has a positional value for its possessor, and thus gives them an advantage in certain spheres over those who lack such education. This is why one’s place in the overall distribution of positional goods is important. The relative value of a positional good for its possessor, as opposed to its absolute

¹³² In chapter 5, I will give additional reasons why UBI can provide such grounds.

value, is what defines the distinctive character of education as a separate sphere of distribution. Thus given that education has positional value, what is the best way of distributing it? First let us take the difference principle before considering the sufficiency principle.

Suppose Bill Gates decides to send his son to Princeton University. Since his son fails to get a place by merit, Bill Gates offers to fully fund the education of two students from a disadvantaged background in exchange for a place for his son. In principle, the difference principle allows this distribution since it meets the necessary condition i.e. unequal distribution will benefit the least well off. Thus it follows that the university should accept Gates' offer, given that it meets the demands of the difference principle. The Rawlsian, however, can object to this on the basis that it violates the 'conditions of fair equality of opportunity' for all. The second part of the difference principle states clearly that 'offices and positions are open to all under conditions of fair equality of opportunity'. This fair equality of opportunity has a lexical priority over the difference principle, and thus cannot be overridden on the grounds of benefiting the least well off. From this point of view, other things being equal, everyone should have a fair chance of acquiring education. I will, however, disregard this claim for now on the basis that even in the absence of this claim, one can argue for equal distribution of positional goods by virtue of them having positional value for their possessor. What is important here is that the difference principle, which has direct redistributive implications, does allow differential treatment when the goods are not, strictly speaking, material ones.

As indicated above, one can object to the unequal distribution of positional goods on a number of grounds. Firstly, according to Brighthouse and Swift, it can be objected to on the grounds of fair competition. Fair competition demands that everyone has an equal chance to acquire education, other things being equal. Since positional goods are competitive goods, it follows that fair competition should be ensured to avoid the charge of unfair competition. Although unequal distribution may benefit the least well-off, it nevertheless violates the conditions set up by fair competition within the education system. This is similar to what the Rawlsian can claim in defence of Rawls' position. However, this conclusion can be reached under the terms set up by social equality without any recourse to equality of opportunity for all. It is important to note that equal opportunity assumes 'other things being equal', which may not always be so, or its achievement can be undesirable on other grounds. If other things are not equal among competitors, unequal distribution may be justified even when the good is a positional one. In Chapters 4, I will show why it is implausible to insist upon strict equality of opportunity.

According to social equality, we may object to the unequal distribution of education on the grounds of a separation of the spheres of distribution. Note that I claimed earlier on that one fundamental feature of social equality is that it can be achieved only if the distribution in different spheres is autonomous. This ensures separation of the spheres of justice. In the above example, Bill Gates' advantage in the sphere of money was converted into an advantage in the sphere of education. This violates the separateness of the sphere of education from that of money. One can therefore argue that Gates' case is the precise violation of this principle. However, as stated earlier on, the mere separation of the spheres of distribution is insufficient to prevent the

conversion of an advantage from one sphere to another in some circumstances. For example, take the case of private education, where money can buy you a place. If a particular state is unable to fulfil its duty to provide education, it might be reasonable to allow private education. Thus we need to find a better reason why Gates' case is objectionable.

We may object to Gates' case on the basis that it devalues education by bending the pertinent rules of admission. In this case, academic merit is considered the pertinent rule of admission. Furthermore, given that positional goods cannot be 'created', the only possible way of acquiring extra positional goods is by denying them to others.¹³³ Note that positional goods are mainly, if not exclusively, valued on the grounds of their scarcity. This feature of positional goods ensures that they are non-substitutable in one significant sense. It is important to note that the value of education cannot be replaced for a claimant by offering them alternative resources. To say that inequality in respect to positional goods is justified if it benefits the least well off therefore misses the point. It is these features that make them positional goods. If this were not the case, then it is pointless to draw a distinction between positional and material goods in the first place.

According to the sufficiency principle, what is important in respect to distribution is that everyone should have *enough* to pursue their goals and aspirations. In this case, the 'good' in question happens to be education. What then constitutes 'enough'? Do we have to define it in terms of individual goals and aspirations? Or do we have to

¹³³ When I say that positional goods cannot be 'created' in the way that material goods can be, I am merely saying that creating them in that way serves to devalue them.

come to an objective account of what constitutes the sufficient requirement of basic education? One possibility is to claim that everyone should have a sufficient chance to acquire education. This sufficient chance to acquire education seems vague, but its distributive implication may overlap with that of equality. For it may turn out that, given the good in question has a positional value, the sufficient chance threshold may reach a point where it will require equal distribution.

However, some theorists have argued that even with respect to the distribution of positional goods, unequal distribution may be justified on prioritarian grounds.¹³⁴ The Priority View states that ‘benefiting people matters more the worse off these people are’.¹³⁵ In this view, one does not believe in equality. Rather, one’s main concern is the position of the least well off members of society. The fundamental difference between the Priority View and egalitarianism is that whilst egalitarianism, in Parfit’s view, is primarily concerned with relativities, i.e. how one fares in distribution, the Priority view is fundamentally concerned with individuals’ ‘**absolute level**’ of well-being. For example, Brighouse and Swift argue that, all things considered, it is even justified to allow unequal access to education for the sake of greater economic growth. The main point is that although the poor may be worse off with respect to a specific good, in this case education, they will nevertheless be better off in absolute terms. As they state

.... why should we favour levelling down, even where that is required by the value of fair competition, if, all things considered, unfair competitions benefit

¹³⁴ (Brighouse & Swift 2006: 483-85)

¹³⁵ (Parfit, D. 1996: 202-225)

the unfairly treated? But if an unfair or unequal competition helps the worse off, all things considered, fairness considerations do not seem very weighty.¹³⁶

According to this view, allowing wealthy parents to invest in their children's education in order to compete for rewarding and socially desirable positions may serve, in the long term, to improve the position of the worst off in society. If however, the argument goes, one prevents wealthy parents from investing in their children's interest, this may have a negative impact on economic growth. Wealthy parents may decide to work less and spend more time on leisure, thus there will be fewer resources to improve the situation of the worst off.

Instead of levelling down, Brighouse and Swift propose that one should focus on eliminating the positional aspect of specific goods.¹³⁷ What this means is that it is possible in some cases to reduce or even eliminate the positional aspect of a specific good by breaking the causal link between, say, a higher educational degree and high income or an interesting job. For example, it may be possible to break the causal link between education and high income by equalising income or making unattractive jobs as interesting as possible. In doing so, one is able to eliminate a positional feature of education in the aforementioned spheres of distribution.

Furthermore, Brighouse and Swift claim that people are driven by various motivations such as self-interest or partial or full considerations for the well-being of their own offspring, which inevitably raises the need for making a choice between equality and

¹³⁶ (Brighouse & Swift 2006: 483-85)

¹³⁷ (Brighouse & Swift 2006: 491-92)

priority.¹³⁸ The overall point is that one has to weigh up considerations which are based on equality against considerations of growth, with a special focus on the absolute position of the least well off members of society. Does this then entail that even with respect to the distribution of positional goods, unequal distribution can be justified in order to improve the absolute position of the least well off members of society? Or is there a reason to insist upon the equal distribution of particular positional goods such as education?

To begin with, it is important to note that some positional goods which are exclusively valued because of their scarcity may not necessarily bother us, however unequally they are distributed. Consider, for example, real estate located in an exclusive location such as Mayfair in London. No matter how prestigious the area is, it may be agreed that the only criterion for living in Mayfair should be one's financial means. One may be satisfied with living in a less prestigious area so long as it meets other important criteria, for example it is in a reasonably safe location, or it is close to one's work place, and so on. In this respect, it may be argued that, in relation to some positional goods, unequal distribution is less problematic than it may initially look.

However, with respect to education, it may be hard to justify inequality even when this may, all things considered, improve the position of the least well off in absolute terms. It is true that economic growth can be beneficial in many instances. This does not necessarily mean that growth should be a social objective per se or that it should be given such a prominence in our thinking, particularly with respect to the distribution of education. The term 'growth' can, in fact, have both good and bad

¹³⁸ (Brighouse & Swift 2006: 487-88)

implications, depending on one's particular circumstances. Take a person who has cancer. If her cancer develops and spreads to other parts of her body, she may die. The generic point is that it is not always true that growth is beneficial in all circumstances, all things considered.

More importantly, even though it is appropriate to give consideration to economic growth, it does not entail that the substantive egalitarian objective should be forsaken in favour of growth. Economic growth, as stated above, is not in itself an egalitarian objective. Nor can economic growth in itself serve as a point of justification for adopting specific redistribution *if* its application undermines a substantive egalitarian goal. In other words, growth only comes into play when one decides to assess whether a particular substantive egalitarian objective can be achieved in a more efficient way. It is, thus, incompatible to make a trade off between substantive egalitarian objectives on the one hand, and considerations which are based upon how efficiently that objective can be achieved. Failing to see this creates methodological confusion.

Note that social equality, in this account, aims to create conditions which are necessary to sustain equality in human relationships, namely the relationship which fosters respect for each member of a particular political community. This is the substantive goal, and its value is independent of whether its achievement is compatible with economic growth. I should emphasise that my intention here is to draw a distinction between the substantive goal of egalitarianism and the most efficient way of achieving it. It is implausible to try to implement the substantive egalitarian goal in a way that undermines the goal itself. In this case, Brighouse and

Swift's proposal to improve the position of the least well off comes at the price of undermining the demands of fairness.

The most important objection to the prioritarian position as defined by Brighouse and Swift, is that it merely states that one state of affairs is better than another, without specifying how one should achieve that desired state of affairs. If, say, under distribution A, the worst off are better off than under distribution B, then it follows that distribution A is superior to distribution B. What however, is missing, is the fact that prioritarians do not specify what and how to arrive at that particular state of affairs. Put differently, the contention that 'benefiting people matters more the worse off people are' needs to be developed further, as to when it is justified and to what extent this priority of the worse off should take *preference over other considerations*. This is not to deny the significance and the worthiness of prioritarian motivation. To see the relevance of this claim, consider the following case.

Suppose there are two countries. Country A which is rich in natural resources is run by a benevolent dictator. Most of its citizens do not have the right to hold political office or to participate in the administration of the government. Country B, on the other hand, is a liberal state where each citizen is bestowed with basic liberties and rights. Now suppose that the dictator in country A decides to compensate the poor for their lack of political rights, so he decides to share a greater amount of resources in improving the position of the least well off members of society.

In the liberal society, however, the same level of improvement cannot be reached unless basic liberties and conditions for equality of opportunity are undermined. To ensure the latter, the worst off members of the liberal state will have fewer resources

than their counterparts. Does this mean that the state of affairs in country A is superior to the state of affairs in country B? The main point here is that one has to specify how and under what conditions one particular form of redistribution can be legitimately pursued. Other than saying that one has to give priority to the interests of the least well off, the prioritarian should also clarify further the background conditions within which this task should be carried out. For example, Rawls sets out basic conditions within which the redistributive implication of the difference principle should be executed. In particular, the priority of the liberty principle plus the conditions of equality of opportunity should be satisfied in a just society, before implementing the difference principle in the distribution of the index of primary goods. This lack of clarity thus makes the prioritarian position weak and inconclusive, and as such the need arises for further specification of how and in what ways it is justified to improve the position of the worst off.

Moreover, it should be noted that Brighouse and Swift do not, in fact, tell us exactly how the unequal distribution of education can improve, all things considered, the well-being of the least well off members of society. In the case of the distribution of material goods, it is clear to see how unequal distribution can improve the share of the least well off. Over time and with extra effort, one may have a bigger cake and thus there will be a bigger slice for everyone. With respect to the distribution of education, it seems that unfair advantage for some over others in accessing education may strike us as at least defective, if not unjust. Suppose that unequal access to education does improve the position of the least well off in society. Recall the example of Bill Gates' offer to fully fund the education of two students from a disadvantaged background in exchange for a place for his son at Princeton University. According to Brighouse and

Swift, this action can be justified, since it improves, in absolute terms, the position of the least well off.

However, two specific objections can be raised against this view. First, as stated earlier, one may object to Gates' case on the basis that it devalues education by bending the pertinent rules of admission. In this case, academic merit. Given that positional goods cannot be 'created', the only possible way of someone acquiring extra positional goods is by denying them to others. Secondly, one can object to Gate's case on the grounds that it undermines the value of Princeton University. This simply means that to attempt to create positional goods so that everyone can have them may devalue the positional feature of these goods. If one tries to expand admission to Princeton University in this way, then it may devalue the Princeton degree relative to degrees from other universities.¹³⁹ Thus, although it is possible to create an extra place in Princeton in the way that Gates' example demonstrates, this can only be achieved by devaluing the Princeton degree.

What about the claim that one should eliminate the positional feature of education instead of levelling down? As stated above, Brighouse and Swift propose that it may be possible to eliminate the positional feature of education by breaking the link between education and the advantages it may give to its holders in other spheres of distribution. For example, they claim that if education brings high income or interesting jobs to its holders, then it may be possible to equalise income or make an effort to make less interesting jobs as interesting as possible. In doing so, the

¹³⁹ Suppose that many other wealthy parents join Gates in offering similar incentives in order to secure places for their offspring.

positional feature of education can be eliminated with respect to income and access to more interesting employment.

This strategy, although an interesting one, seems to be questionable in at least two ways. First, the idea that one should break the causal link between education and rewarding or socially desirable positions may not be possible. This is in part due to the fact that, in many circumstances, rewarding or socially desirable positions require a higher educational qualification. Take, for example, an academic job. To qualify, it is often required that a candidate holds a PhD or at least a Masters degree in a relevant discipline. In this and many other spheres of life, having a higher degree is a standard requirement, and thus the causal link between education and these spheres cannot be broken. In other words, having an advantage in the sphere of education may give its holder an advantage in other spheres of distribution, simply because one's success in those spheres requires a certain level of educational achievement. In this sense, education, like money, can give its holder an advantage in other spheres of distribution.

Another objection can be raised on the grounds that eliminating the casual link between education and advantages in other spheres can be achieved only by levelling down in those specific spheres. Take the causal link between education and high income. One solution, according to Brighouse and Swift, is to equalise income and thus reduce the positional feature of education. This reduction of the positional feature of education comes only at the price of levelling down with respect to income. By equalising income, hard working persons may have fewer incentives to pursue education, and this in turn will undermine economic growth. This, however,

undermines the whole point of Brighouse and Swift's own objective i.e., avoiding levelling down by giving priority to growth.

Perhaps one should try to make less interesting jobs as rewarding and desirable as possible. In so doing, one may break the casual link between education and socially desirable positions, and thus weaken the positional feature of education. This strategy does not necessarily require levelling down in order to disentangle a casual link between education and socially desirable positions, assuming it is feasible to make every occupation as rewarding as possible. Although this seems a better solution, it nevertheless comes at the price of weakening the case for equality of fair opportunity. If all social positions are rewarding, then it is pointless to insist on equality of fair opportunity. After all, whatever job I get is as good as any other, and thus there is almost no need for equality of opportunity. It may also give less incentive for people to invest in their skills in order to be more competitive in the labour market. Perhaps one may still be able to rank various occupations on the scale of their desirability or on some subjective grounds.

However, it should be emphasised that nothing that I have said so far indicates that private education should be abolished. Indeed, it is perfectly possible to allow private education without necessarily violating equal access to education for all. Consider, for example, the current educational system in Sweden, where, the state allows independent schools to compete alongside state schools, to attract students. The only catch is that the state does not allow private schools to charge extra fees or select students. Private schools receive state funding on a per-student basis, which is roughly

equal to that of state schools.¹⁴⁰ This ban on fees prevents wealthy parents from investing more in the education of their children and thus prevents some children from learning more whilst making nobody else better off.¹⁴¹ This is a classic case of levelling down. Researchers have identified two particular shortfalls with this system even though, in general, the scheme has improved the quality of education overall.

One area of concern is whether a ban on selective admissions is actually compatible with equal access to all. According to Hepburn and Merrifield, a ban on selective admissions can undermine equal access for everyone in some circumstances.¹⁴² The second problem is that removing the right for independent schools to charge additional fees has reduced the incentive to innovate and develop progressive improvements within education. However, the authors acknowledge that in general this degree of public influence over independent schools does not impinge on the educational quality of existing schools. In fact, their research shows that the introduction of independent schools has helped to improve the quality of education in state schools – mainly because of the fierce competition to attract students.¹⁴³ Put differently, it may be possible, under certain circumstances, to introduce private education without necessarily undermining equality of access to education.

In the Swedish case, it is important to note that even wealthy parents send their children to state schools. This is for two particular reasons. First, the quality of

¹⁴⁰ Claudia R. Hepburn & John Merrifield (2006) “**School Choice in Sweden: Lessons for Canada**” in <http://www.fraserinstitute.ca/shared/readmore.asp?sNav=pb&id=872>

¹⁴¹ *Ibid.*, p. 8

¹⁴² *Ibid.*, p. 8

¹⁴³ *Ibid.*, p.13

education is good. Second, it is important to emphasise that Sweden's social and political commitment to egalitarian values has made this possible. This is where it is important to reiterate Cohen's assertion that in an egalitarian society, personal choice should matter to issues arising within the sphere of justice. Put another way, citizens not only accept egalitarian rules, but also regulate their economic choices in accordance with those rules. If wealthy people in Sweden were not committed to an egalitarian ethos, it may not have been possible to achieve equality of access to education without alienating some members of society. To say that personal choices do not matter is, thus, to deny the fact that Sweden's educational system is fairer than, say, the system in the US or the UK, where inequality within the sphere of education is endemic. The main point, in this case, is that 'levelling down' may be justified in respect to equal access to education, even if unequal distribution could have made some better off in one respect.

It is, however, important to note that not all non-material goods are positional goods in the aforementioned sense. There are, indeed, non-material goods which are also non-positional. These goods can be called relational or cooperative goods, and are distinct from both material and positional goods. I will now explain precisely what is meant by cooperative goods, and what makes these goods non-positional.

3.7 Cooperative Goods

The classical formulation of redistribution by way of taking from person X and giving to person Y may not necessarily follow if the ‘good’ in question is not a material one. The classical formulation of redistribution seems to presuppose either (a) that all goods which are the subject of redistribution are of material nature or (b) that whatever the good may be, the only way to redistribute it is by following the standard procedure of dividing it by taking from one to give to another. This generic formulation not only disregards the specific features of the ‘goods’ in question, but also legitimises commodification, irrespective of what sort of goods are at stake.

In the case of social equality, this is not always the case. One important feature of social equality is that it takes the distinctive nature of ‘goods’ into account when the issue of distribution arises. One can make everyone better off without necessarily depriving others of what they own. These goods can be divided without involving or demanding the process of ‘taking away’. As Tawney remarks:

Though an ideal of an equal distribution of material wealth may continue to elude us, it is necessary, nevertheless, to make haste towards it, not because such wealth is the most important of man’s treasures, but to prove that it is not. It is possible that the ultimate goods of human life, which belong to the realm *where to divide is not to take away*, may more easily be attained, when its instruments and means are less greedily grasped and more freely shared.¹⁴⁴

¹⁴⁴ (Tawney 1931: 291)

The most illuminating point in this paragraph is that material wealth, however important its distribution may be, should not be the locus of egalitarian concern. It is this intentional negation of its significance that may give way to the recognition of the value of non-material goods in human relationships. These goods are neither material nor subject to 'brute distribution'. Their distribution does not require the standard procedure of taking and dividing. Whilst equality in distribution makes 'taking' a necessary precondition of redistribution, here we have a distribution which does not presuppose the notion of 'taking' in a relevant sense. The sharing of these goods is thus less problematic and more easily attained within society. For simplicity, I will call these goods cooperative goods.

There are two types of cooperative good. Some have intrinsic worth for the holder whilst others have only instrumental value. Clubs of association for various social activities are of instrumental value. They are designed to bring people together so that people can improve certain aspects of their social lives, or enhance their self-esteem. For example, take the case of joining a golf club. One may join a golf club for a number of reasons, possibly because one loves playing golf, or alternatively one may wish to enhance his or her social network. In the latter case, belonging to the golf club is only instrumentally valuable, given that it serves other ends. There are, however, other types of cooperative goods which are pursued for their intrinsic worth. Friendship is one instance of such a good, since it is intrinsically good for the group of friends.

Furthermore, cooperative goods, unlike material goods, cannot benefit free riders. A free rider is an agent who benefits more than he or she contributes, or simply does not contribute at all in the production of a specific good. For instance, someone may avoid paying her taxes or National Insurance contributions and yet enjoy the benefits of free healthcare in Britain. So the traditional problem is how to neutralise the issue of free riders. In respect to cooperative goods, the issue of free riders does not arise in the aforementioned sense for the following reason: one cannot enjoy cooperative goods unless one *participates* in their 'production'. This is, perhaps, the most distinctive feature of cooperative goods, and puts them in stark contrast to material goods. Nor can cooperative goods be imposed on people. Thus, the proper language of economic distribution seems to be irrelevant in evaluating cooperative goods, given that they do not fit with standard economic calculations.

However, someone may object to the claim that cooperative goods do not face the problem of the free rider. Consider a canny friend who uses his friends in order to gain something other than their friendship. He may exploit his friends' trust and time for some private gain. In this case, one may well state that he is a free rider because his participation in friendship is purely for instrumental reasons. Does this mean that cooperative goods are not immune, after all, from the problem of free riders?

It is true that cooperative goods, including friendship, can be exploited for other ends. However, in the aforementioned example, it is hard to accept that whoever has been exploiting his own 'friends' for private gains can be considered a friend. Nor can it be said that he enjoys what genuine friendship may bring. Although he may benefit in

some other way from exploiting his ‘friends’, he is depriving himself as well from the pleasure that true friendship may bestow. Thus although friendship, and in general cooperative goods, can be the subject of exploitation, it cannot be said this exploitation comes without a cost.

To illustrate, consider the case of meeting one’s friends for a party or joining some form of civil association. Everyone can be better off without presupposing the standard distributive procedure. These types of relational engagements fulfil the participant’s lives either because these activities and relations enunciate certain values and aspirations which the participants themselves value or care about, or because they are part of everyday, life-enhancing activities. The main rationale is that cooperative goods, by virtue of their distinctive features are, in many instances, irreplaceable for their holders. A lack of these goods therefore, cannot easily be compensated for by replacing them with other goods¹⁴⁵.

Thus however canny the free rider may be, he is deprived from the joy of true friends. Even if he does not incur a cost from exploiting his ‘friends’, one can still respond by claiming that a person who uses his friends for private gain cannot be considered a true friend. In fact, one may call him anything but a friend. Given that he does not qualify as a ‘friend’, it cannot be claimed that he is part of a circle of friends. Thus, he cannot be considered a free rider within a circle of friends.

¹⁴⁵ Economic egalitarian literature defines compensation in terms of money or cash. If someone is disadvantaged in one pertinent sense then that disadvantaged person is entitled to compensation. I intend to show that this assumption is too simplistic a solution to the issue of disadvantage and its proper remedies. This topic will be discussed in chapter 4.

Moreover, there is also a crucial distinction between cooperative and positional goods. Recall that a positional good is valuable to a specific person provided not everyone has it. This entails that person A's possession of positional good X depends on person A's overall standing in the distribution of X. For cooperative goods however, the opposite is true. The wider their distribution, the more valuable they are. To illustrate this, consider the case of football fans. Suppose that X loves watching football. The more people watch football, the better off person X becomes, since he is able to share his passion with more people, and enjoy the atmosphere of a full stadium during football matches.

Furthermore, cooperative goods, unlike material needs, cannot be properly or fully measured. Some may consider this a setback. However, here this is not so since it is this feature of these goods that makes them quite distinctive from other goods. Just because one is unable to measure or possess cooperative goods in the sense that one can with material goods, this is not a reason to relinquish their value. For instance, it is possible to calculate how much food is needed by a person in order for her to function properly. However, it would be absurd to define how much love a child needs or how many friends one should have. The logical structure of these two types of needs is different from each other. This is not to deny that social relations are not connected to people's needs. That connection, nevertheless, does not make it a subsidiary of a notion of needs. One's need for cooperative relations is distinctive from the need for food or shelter. If this distinction is plausible, then social equality, even though closely related to basic needs, is not wholly absorbed into the sphere of needs as they have been understood here.

On the other hand, it is, in fact, important that there is not too much distance between social relations and individual needs, for the following reason. To make sense of social equality one needs to link the goodness of social relations with the goodness of the individual. Otherwise social relations may end up being for the good of no one. Earlier I stated that one important feature of social equality is that it shows adequate consideration to individuals' values and circumstances i.e. it is sensitive to the features which are pertinent to the case at hand. Therefore social relations, although closely connected with other sorts of individual needs, are separate from the 'basic needs' of individuals in a relevant sense. Because it focuses on the relational aspect of individuals' lives, it is inherently an outward looking view even though it relies on, and derives its force from, the particular circumstances of each individual.

The main point here is that there is a tension between admitting that social equality is **fully** a part of basic needs such as food and shelter, and separating it **completely** from the realm of individual needs. If one embraces the idea that social equality is an integral part of individual well-being then one should give up the idea that there are two forms of equality. On the other hand, if one accepts the view that social equality is fully distinctive from the basic needs of the individual then it may turn out to be good for no one.

The important point here is that relational goods do not share the basic features of material goods. The core argument is to show that relational goods, unlike material goods, can be shared without necessarily taking from one to give to another.

Furthermore, given that one's possession of them requires **direct participation**, they are also immune from the traditional charge of free riding. Social equality, emphasising the social aspects of equality, is better equipped to deal with relational goods than the strict notion of equality in distribution. The most important feature of social equality is that it respects the plurality of goods without necessarily invoking the standard distributive scheme. Distribution follows rather than dictates how good(s) should be divided. From this point of view, the idea of distribution, in its purely economic sense, fares badly when the 'good' in question is a non-material one.

Another important implication of drawing a distinction between material, positional and cooperative goods is that it will be useful in weighing up one sphere of distribution against another. As I argued earlier (section 1.5), one important shortfall of complex equality, as presented by Miller, is that it fails to specify how one should measure the relative weight of each sphere of distribution in contributing to an agent's well-being. I argued that it is insufficient to merely claim that each sphere is of equal weight. This shortfall, I believe, can be remedied by paying attention to the implications of material, positional and cooperative goods on people's opportunities and thus quality of life. In this way, it may help, in practice, to prioritize which spheres should take precedence over others in allocating social resources.

Consider, for example, the case when there is scarcity of resources, and thus the need arises to prioritize which spheres of distribution should be given greater attention. In doing so, we should assess the impact of unequal distribution within a specific sphere on a person's overall standing within society. Suppose now that the state can either increase the income of the least well off or it can provide more equitable access to

education. In deciding upon the best option, we may resort to analysing the merit of each sphere upon people's long term opportunities. In doing so, we can weigh up the merit of more equitable access to education against that of extra income for the least well-off members of society.

Consider first the merit of extra income for the least well-off members of society. This income can be used to improve their quality of life in some specific way, such as purchasing essential goods or improving their standard of living. In all, there are strong reasons to give extra income to the least well off. However, as I have argued, education, unlike material goods, has a positional value, meaning that its value to its possessor depends on his/her overall standing in the distribution of the good. Where one stands with respect to education will affect one's opportunities in accessing advantage in other spheres of distribution. Thus education, or more precisely, a lack of education, can have wider implications for an individual. In evaluating the reasons in favour of either increasing the income of the least well-off or improving equality of access to education, one should take into account the impact of these distinctive features of goods on peoples' long-term opportunities. One may grant that although the least well off may be better off from additional income, the positional value of education and its impact on a person's wider opportunities may override those benefits.

Conclusion

I have so far argued that social equality is an internal requirement of political membership. Political membership, as a constitutive rule, demands equal consideration for its members in one respect. Furthermore, I have claimed that one way to interpret this equal consideration is to propose an account of social equality which is concerned with how members of political association relate, as equals, to one another. This equality of status is ensured if the plurality of distributive spheres of justice is properly respected. This plurality of the spheres of justice presupposes the plurality of 'goods'. Distribution, from this angle, follows rather than dictates how good(s) should be divided. I have argued that some goods cannot be traded off for the sake of greater benefit, as is the case with material goods. Positional goods, I have argued, are one such example. This in turn shows that the charge of levelling down is misplaced, at least in respect of the distribution of positional and cooperative goods.

4. STATUS ENHANCEMENT AND FAMILY STRUCTURE

4.1 Introduction

In chapter 3, I claimed that to ensure the respect based account of equality one needs to design rules and procedures governing social and economic relations in a way that no member of society is disadvantaged in terms of his/her access to opportunities to pursue his/her own conception of good. To ensure this equality of human relationship, the need thus arises for some form of redistribution. With respect to the distribution of resources, I argued that an appeal to social equality supports the sufficiency approach in order to enable members of an egalitarian society to pursue their own ends. There are however, as I will argue in this chapter, a number of other ways in which one can be disadvantaged, which do not necessarily involve a lack of resources. The main question is thus how, and in what ways, a particular person can be disadvantaged and what are the proper remedies under the ideal of social equality? The upshot of my argument is that in dealing with particular disadvantage, one should not only take into account the form of remedy required, but also whether that remedy is compatible with other aspects of the disadvantaged party's life, such as his/her dignity and equal worth.

I should emphasise that my main intention is to specify how equality, understood in terms of human relationship, can address particular disadvantage, without undermining *legitimate differences* within society. This will help to undermine the claim that egalitarians are obsessed with uniformity. In fact, the opposite is true. *The aim of equality is to retain legitimate differences within society whilst neutralizing the negative impact of these differences on people's lives.*

This chapter will take the following route. In 4.2, I will briefly outline the general debate on the nature and forms of disadvantage. In 4.3 and 4.4, I will discuss various sources of disadvantage. In 4.5 and 4.6, I will explore feminist charges against the distinction between the public and private sphere, paying particular attention to the family structure. In 4.7, I will argue against the claim that it is justified to use genetic enhancement in order to ensure equality of fair opportunity for all. In 4.8, I shall claim (a) that it is plausible to draw a distinction between public and private and yet address feminist concerns, and (b) that the family, as an institution, has properties which are, at least, logically distinct from justice based demands. This debate will primarily be restricted to the Rawlsian account of justice.

4.2 What counts as disadvantage?

In its common usage, disadvantage refers to the property of having an inferior position. From this it can be inferred that a person is disadvantaged if she has a less favourable position in terms of her access to opportunities and resources compared to other members of society. Within the debate on distributive justice, one way to define disadvantage is to say that agent X, whoever that may be, has treated person A unjustly. Since unjust treatment is a violation of person A's rights, under the just rules, person A is disadvantaged in a way that is pertinent to the case at hand. Therefore the general feature of disadvantage is that someone has been treated unfairly through no fault of their own. This in turn generates a legitimate claim on the part of the disadvantaged party. Two problems can be raised in respect to disadvantage.

First, what are the sources of disadvantage? One source of disadvantage, for instance, may be when public institutions fail in one way or another to fulfil their obligations. In many cases, the injustice done to a specific person is due to the failure of public institutions, and thus it is legitimate to hold the state to account. However, this is only one source of disadvantage. There are a number of other ways in which one can be disadvantaged which do not necessarily involve the state or public institutions as such. A person can be disadvantaged either due to certain internal properties of her own, or she can be disadvantaged by factors which are external to her. Different sources or agents can perpetrate injustices. Wolff has recently identified this as,

... where someone suffers a disadvantage which we believe calls for action we have to decide whether the *source* of that disadvantage is the person or the world.¹⁴⁶

What then does the ‘world’, in this account, mean? And what agents have the capacity to cause disadvantage? These questions need to be addressed before ways of rectifying disadvantage can be proposed.

The second problem posed by this account is in respect to the remedies for eliminating disadvantage. In other words, once disadvantage has been identified, how should one eliminate it? Suppose person A has been harmed by agent X in a way that generates a legitimate claim on the part of individual A. Agent X should repair the damage that they have inflicted on individual A. How? One common assumption among theorists of political philosophy is that a disadvantaged party should receive some form of ‘compensation’. The term compensation, however, can be misleading.

¹⁴⁶ (Wolff 2002: 217)

As Wolff has shown, compensation can be used ‘in a variety of ways’.¹⁴⁷ In its standard usage, compensation involves some form of cash as a replacement for harm inflicted. However, money may not always be the most appropriate remedy for disadvantage. There are cases when the good in question is non-substitutable for the disadvantaged person, or when money as a form of remedy is inappropriate or not the best course of action. I will discuss such circumstances in the second part of this chapter.

4.3 The source of disadvantage

As stated above, one specific concern is to identify the source of disadvantage. In what ways can one be disadvantaged within a political community? In general, there are three sources of disadvantage. Of the three, one is internal to the person, and the other two are external. Depending upon what sort of disadvantage is at stake, I shall argue that their elimination requires different remedies. Compensation, in this account, is just one of several available remedies.

The first source of disadvantage is from a person himself. It is commonly accepted that people are gifted with different skills and abilities. Some are extremely gifted, whilst others are not so lucky. Where one falls in the distribution of natural abilities may have a lasting impact on their opportunities and successes throughout their lives. Given that one does not have control over the distribution of natural abilities, this distribution is, morally speaking, arbitrary. Rawls’ famous claim that persons do not

¹⁴⁷ (Wolff, J. 2002:208)

deserve their place in the distribution of their natural abilities serves to neutralise this source of disadvantage. Instead of eliminating inequality of natural abilities, Rawls proposes that one should use these unequal natural abilities in a way that benefits everyone in society.¹⁴⁸ In chapter 3 I discussed the implication of the difference principle in making natural abilities work for everyone's benefit within a political association.

The second way in which a person can be disadvantaged is through a lack of 'external resources'. The term 'external resources' includes money and material wealth in general. In respect of the redistribution of external resources, the basic structure of society plays a pivotal role. This is one major reason why Rawls limits application of the principles of justice to the 'basic structure of society' - because its 'effects are *so profound* and present from the start' in people's lives¹⁴⁹. It is hard to think of any aspect of people's lives where political institutions do not have an influence. Relevant public institutions define, in one way or another, even our private lives. By proposing principles that guide these institutional choices therefore, one is able to eliminate the unfair treatment of individual persons on morally arbitrary grounds.

Apart from the role that the basic structure plays in the redistribution of external resources, the main public institutions themselves can cause disadvantage for a specific person. Consider for example, institutional racism. If the law treats people differentially on grounds of race or ethnicity, then a person subjected to this differential treatment is institutionally disadvantaged. He is similarly disadvantaged if

¹⁴⁸ (Rawls, J. 1996: 86)

¹⁴⁹ (Rawls, J. 1999a: 6-7)

he is not allowed to hold specific public offices on the grounds that he does not belong to a specific race or religion. This constitutes unjust treatment of a person by political institution(s).

Another source of disadvantage is the ‘informal structure’ of society. Non-state actors, whose choices are beyond the ambit of justice, can be responsible for specific disadvantage. The intention here is to show that non-state actors are also *capable* of perpetrating harm against particular individuals in a sense that is pertinent here. Here the term ‘non-state actors’ refers to the world in which the specific person is located. I questioned (in section 2. 3) the basic rationale for limiting the principles of justice to the basic structure. Rawls’ exclusion of the legally optional choices of non-state actors from the ambit of justice fails to acknowledge the disadvantages that non-state actors can inflict against the individual.¹⁵⁰ The family structure and other private bodies within the ‘informal structure’ - such as religious groups - can be included on this list. Consider the family structure, which is not sustained by the legally coercive choices of the state, but rather by the private choices of its members. Personal actions, within the family structure, can thus be a source of disadvantage. To see this, consider the following cases.

First, suppose that the head of the family is a sexist man with a low view regarding the position of women. As a result, his wife has to bear an unacceptably high burden of domestic tasks. More importantly, she is disadvantaged not only in terms of her private space, but equally in terms of her social life. This disadvantage incurred on women is in spite of, rather than because of, the legally coercive choices of the basic

¹⁵⁰ (Cohen, G. 1997: 19-20)

structure of society. Since it occurs within the structure of the family, it is sustained by the legally optional choices of private individuals. In other words, this source of disadvantage is independent of how just and fair the basic structure of society is. Why should this disadvantage be treated differently from, say, institutional disadvantage, or a person's internal lack of natural abilities? If the source of disadvantage is a private body whose choices take place within the private sphere, what sort of remedy is required to repair disadvantage?

Note that the mere fact that disadvantage has taken place either within the public or private sphere is of no relevance to the disadvantaged party.¹⁵¹ Put differently, the distinction between public and private spheres does not *in itself* make a difference to the 'injustice' committed against the disadvantaged party. It is here that one may question why one should treat some forms of harm as relevant to the question of justice whilst excluding harm such as that caused within the private sphere. The fundamental difference between these two instances is, I will argue later, the form of remedy that is required in order to eradicate a specific disadvantage.

Furthermore, within this category of disadvantage, a person can be disadvantaged by the social environment in which she lives. Social environment here means social norms as well as the 'physical infrastructure' of society. This physical infrastructure may include all sorts of facilities such as road infrastructure, cars, hotels, public buildings, etc. Social norms refer to the 'unwritten laws' of conduct that shape the way people interact with each other in their daily lives. Cultural factors are the main

¹⁵¹ I will say more about the distinction between the private and public sphere in the second part of this chapter.

body of these laws. The force of these factors is undeniably important in the way people pursue and enhance their aims and aspirations. Even when institutional and internal causes of disadvantage are removed, it is still possible for a person to be disadvantaged by their social environment. The best instantiation of this claim can be seen in the way that the issue of 'persons with disability' have recently been conceptualised. The main problem that disability poses is how to define what it is that disadvantages a person with a disability.

Until recently, it was generally accepted that disability should be seen as a 'lack of physical or mental resources'. This identification assumes that the source of disadvantage is inherently internal to the individual. By definition this identification denies any external source, outside of the person, as the constitutive source of disadvantage. According to this view, medical impairment is what disadvantages a 'person with disability'. However, this position has come under intense scrutiny, both by the disability movement and by egalitarian theorists, on legitimate grounds.

One elusive argument is that a person with disability suffers not only from a lack of internal resources but also, more fundamentally, due to external social factors. The proponents of the social model of disability identify two particular aspects of disability which have nothing to do with lacking 'internal resources'. One aspect of their theory is that a person with disability is disadvantaged by an 'unaccommodating social structure'. What is meant here is that every person is gifted with physical and mental properties. The social structure plays an enabling role in order for these personal features to function properly. Thus if the social structure fails to be accommodating in this specific sense, it follows that a person with disability is

disadvantaged not primarily by their own physical or mental properties, but by the social environment in which they happen to live.

Another equally important way in which a person with disability may suffer from unfair disadvantage is when other members of society fail to accept them as they are, or to treat them with respect. In other words, the attitudes of people towards a person with disability can cause them insurmountable disadvantage. There is legal protection, for example, against discrimination on grounds of sex, race, disability, ethnicity and so on. However, there is no legal protection against discrimination on the grounds of 'unfavourable attitude'. The responsible agent in this case is the fellow citizen rather than the physical or institutional structure of society. Thus changing people's attitudes, through education for example, is required in order to cancel out these types of disadvantage.

To recap, there are three distinctive sources of disadvantage. Firstly, a person can be disadvantaged by their lack of natural abilities, such as their skills and talents. Secondly, a person can be disadvantaged due to a lack of external resources. Finally, a person can be disadvantaged by the 'informal structure' of society, of which the family structure is one significant example. If a person can be disadvantaged in these three ways, in what ways should disadvantage be addressed? I will now turn to consider this.

4.4 Rectifying Disadvantage

How should one rectify disadvantage and what should one take into account in addressing a particular form of disadvantage? In what ways is one able to repair disadvantage? These two questions are closely linked with the earlier discussion on the sources of disadvantage. I will begin by discussing Wolff's recent paper on the nature of disadvantage.

One important aspect of Wolff's account is the way he defines the task of rectifying disadvantage.¹⁵² For Wolff, the way forward is not to assume that it should be substituted or replaced with something else. Rather, rectification of a specific disadvantage should assume some form of human good. It should be based on what may constitute a good life. The immediate question is 'good for whom', and why this should be so, if the intention is simply to repair disadvantage. Wolff's response is that once a specific disadvantage has been identified, the means by which it should be repaired depend upon what one takes to be the underlying human good. This link between repairing disadvantage and human good ensures that the objective of eradicating disadvantage is to restore human good rather than to find a replacement for it. This in turn will safeguard the legitimate differences within society by changing the world in such a way as to accommodate the particular needs of a disadvantaged party. As Wolff states,

¹⁵² I am mainly referring to Jonathan Wolff's account of disadvantage and the sources of disadvantage. I will therefore paraphrase his main position before proposing my main argument in dealing with disadvantage.

For if our aim is always simply to repair disadvantage, or to come as close to doing so as the circumstances allow, why make reference at all to the human good? *The answer is that what will count as repairing disadvantage needs, first of all, a precise specification of disadvantage, and how one chooses to do this will, very often, depend on assumptions about the human good.* Hence narrow aim redress is an application of the idea that our practices of addressing disadvantage are, or at least should be, led by assumptions about the human good, rather than a replacement for it.¹⁵³

An important point here is that there is a direct link between repairment and human good. This means that restoring disadvantage already assumes that a particular human good is missing. Thus, the aim of remedy is to restore that particular good rather than to substitute it. This shows the essentialist overtones to Wolff's view in dealing with disadvantage. With this essentialist background, Wolff has proposed four particular ways of addressing disadvantage. He calls these four forms of remedy as follows: compensation, personal enhancement, targeted resource enhancement, and status enhancement.

Compensation¹⁵⁴, as I discussed above, means some form of cash offer payment in order to make up for a specific form of disadvantage. However, in some cases, this general way of offering money may not be the best possible way to address specific disadvantage, since it presupposes that the only relevant good is preference satisfaction. This may not always be an appropriate remedy. Instead of offering

¹⁵³ (Wolff, J. 2002: 217)

¹⁵⁴ The etymology of the word 'compensation' is from the Latin word 'compensatus', which means 'to weigh one thing (against another), thus, 'to counterbalance,' or amend for loss or damages'. For further discussion see (Nozick, R 1974)

money, one may enhance a person's ability by addressing their specific needs such as offering them the opportunity to develop their skills in order to enhance their labour power or rectifying other personal traits which may disadvantage them in some spheres of life, such as inability to socialise with other people.

Consider for instance a case where someone is disadvantaged as a result of technological innovation, such as the introduction of computers into the workplace. Enabling a potential employee to acquire the necessary computer skills enhances their competitiveness in the labour market. This in turn enhances not only their ability to adjust to the changing workplace environment but also fosters his/her self-respect. This is what can be termed personal enhancement.

The third form of remedy is targeted resource enhancement. If, say, Jon has difficulty with mobility, what should be done about it? The aim here is to improve Jon's mobility if possible, for instance by technology designed precisely to help with this problem. Instead of him being merely offered money as a substitute for his lack of mobility, he may be offered money with strings attached, for example in order to purchase equipment to improve his mobility. In other words, the distinction between general compensation and targeted resource enhancement is that in the latter case, the recipient receives money with certain conditions attached: i.e. he can only spend that money on purchasing equipment to improve his mobility. This is what Wolff calls targeted resource enhancement.

In other circumstances however, it may be that none of the three forms of remedy mentioned above is relevant. Now recall the case when the source of disadvantage is

not the self, but the social environment. The proper way of rectifying this disadvantage is to change the world in a way that accommodates the difference, rather than vice versa. Here the goal is to acknowledge a person with special needs as she is, as opposed to what she ought to be. For instance, by adapting the entrances to UCL buildings in a way that accommodates the needs of persons with physical disabilities, one is able to cancel out one source of disadvantage without changing persons' internal features. The most important feature of this remedy is its inclusiveness. It achieves its objective without necessarily classifying the holder of the 'legitimate difference' as an outsider.

One major shortfall of the 'medical model' of disability, for example, is its main assumption about disability.¹⁵⁵ It assumes that a person with a disability lacks particular physical or mental resources. This assumption already presupposes that under 'normal' circumstances, a person with a disability should have had different properties. This basic premise is in itself unaccommodating, for it denies legitimate differences in human nature. Since it makes an assumption about what constitutes 'normality', its objective is to turn a disabled person into a 'normal' person.¹⁵⁶

It is therefore important to note that in dealing with disadvantage one has to take into account not only the specific remedy that deals with it, but also whether this remedy is compatible with other aspects of the disadvantaged party, such as their dignity and

¹⁵⁵ (Terzi, L. 2004: 141-57)

¹⁵⁶ The 1994 World Health Organisation (WHO) definition of health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity" can overcome this problem, given its more inclusive definition of health.

equal worth. If repairing disadvantage can only be achieved by undermining a person's equal worth, then one has to question whether it is worthwhile. This is the main reason for questioning the plausibility of the medical model of disability.

Although, all four forms of remedy are necessary in dealing with disadvantages, I want to focus primarily on 'status enhancement', and how far this form of remedy can do justice in dealing with specific forms of disadvantage. My intention is to assess the plausibility of this form of remedy in cases where compensation, targeted resource enhancement, and personal enhancement fail to deliver the desired objective, i.e. social equality. Note that this objective is primarily to restore the lost good rather than to find a replacement for it.

One of the most important features of 'status enhancement' is its essentialist overtone. Instead of changing the self, it aims to change the environment in order to accommodate the particularity of each person. For this reason it resists, as a result of its essentialist overtones, substituting one specific good for another.

Where it differs from preference satisfaction theory is the notion that goods should not, in general, be allowed to substitute for each other. So to that degree it seems closer to essentialism: each person has their own unique set of essential qualities, goals and potentialities, and these should be neither changed nor exchanged.¹⁵⁷

It is essentialist in the sense that for X to be good, it should be good to a specific person Y. Failing to meet this condition, X fails to be good for anyone. However, this

¹⁵⁷ (Wolff, J. 2002: 213)

definition does not clarify exactly who should decide what is good for a specific person, nor how the goodness of X is merely defined by the subjective preferences of a disadvantaged person under specific circumstances. Or are there other, non-subjective grounds for determining what is best for a particular person under specific circumstances? To see the relevance of this argument, consider the following scenario.

Recall the case of targeted resource enhancement. Suppose that person A has a problem with mobility. According to target resource enhancement, the best form of remedy would be to offer person A cash with strings attached, i.e. she can have money provided she spends it on purchasing equipment to improve her mobility. Suppose further that person A objects to this offer. Instead, she intends to spend the money on holidays and drinking beer, because this is what she thinks is best for her. Under normal circumstances, one may think that in the long term, it is best for person A to purchase the equipment, since it will give her greater freedom of mobility, increase her independence and therefore, reduce her reliance upon others.

One may condemn person A's decision not to use the money to buy a means to improve her mobility. Yet equally one can argue that it is up to her to decide what is best for her. One solution would be to suggest that in such cases, the responsible agent should, on behalf of the disadvantaged party, decide the best way to spend scarce resources. Some may argue that this claim is controversial on the basis that it is paternalistic. However, this objection seems to be misguided for the following reason.

Provided there are ways of restoring a specific good, it is important to note that the aim of repairing disadvantage is to do just this rather than substituting it with

something else. In the case of Jon, what is missing is his mobility. In other words, it is this specific lack of mobility that generates a legitimate claim for redress. Accordingly, the aim of repairment is precisely to ensure that Jon improves his mobility as far as possible. Nothing else but lack of mobility matters in regard to repairment. As Wolff claims:

The point of remedy is to correct a particular wrong, identified in a particular way, not to create a flexible benefit.¹⁵⁸

In the remaining part of this chapter, I want to concentrate on one particular case of disadvantage: that within the ‘family structure’. In the case of the family, the source of disadvantage is twofold. First, a member of the family may be disadvantaged due to the choices of another member of the same family, such as the exploitation of a wife by her husband. Secondly, the existence of the family structure itself may be the source of disadvantage for its members. One’s family circumstances or upbringing may significantly influence one’s opportunities in life. The case of the family, I believe, is a special case, which requires more than mere public intervention in order to address its particular form of disadvantage.

4.5 Family structure

Some theorists, particularly feminists, have challenged the relevance of the distinction between the public and private sphere. Since principles of justice regulate the public sphere, the existence of the private domain may subject women to domination and exploitation. Even if the public realm can be just and fair, it does not therefore

warrant fair opportunity and equal treatment for women or children. Inequalities due to social or family background are deemed unacceptable and this requires some form of redress on grounds of justice. Others however, have questioned the very existence of the family, in its traditional form, as incompatible with the demands of equality.¹⁵⁹ However, both of these claims aim at the wrong ends. To simply try to abolish the distinction between public and private is unhelpful. Nor does it achieve the desired outcome i.e. the fair and equal treatment of women. The same criticism can be made of the second claim, which questions the very practice of family relations as incompatible with the demands of equality. Instead, in dealing with the family, I will mainly focus on ‘status enhancement’ as an appropriate remedy.

Status enhancement can be used to remove some forms of disadvantage without necessarily undermining the family structure. This approach aims indirectly to address the issues posed by family relations. This is not to say that an indirect approach can resolve all outstanding issues that the family presents. However, it may help to rectify some disadvantage without having to abolish either the distinction between the private and public sphere, or the family structure, in order to meet the demands of equality. In addressing these issues, it is first necessary to identify the problems presented by the family.

In *A Theory of Justice*, John Rawls [has] claimed that the two principles of justice are restricted in their application to the basic structure of society.¹⁶⁰ This restriction leaves

¹⁵⁸ (Wolff, J. 2002: 214)

¹⁵⁹ (Munoz-Darde 1998a: 1998b) See also (Okin 1994:1989), (MacKinnon, K 1989), (Nussbaum, M. 2000)

¹⁶⁰ See section 2.3 for a full discussion of this matter.

the family structure beyond the reach of what justice may require. In a later work, however, Rawls included the family structure on a list of institutions which the two principles of justice regulate.¹⁶¹ Despite this inclusion, Rawls did not clarify the implications of this inclusion for his theory of justice, or how this inclusion should work in addressing disadvantage due to the family structure. Many feminists and political theorists have therefore criticised Rawls' failure to deal with gender issues and family circumstances.

Two particular objectives of the Rawlsian account can be undermined if the issue of the family is not properly analysed. The first is that the fair chance to pursue one's own ends cannot be met unless the impact of the family structure upon its members is taken seriously.¹⁶² Here, the formative background has an important impact on its member's equal chances of success in pursuit of their goals and aspirations. This unequal chance is incompatible with Rawls' own account of fair opportunity. As Arneson correctly observes:

... only those inequality-inducing policies should be implemented that are compatible with fair equality of opportunity.¹⁶³

Secondly, in Rawls' account, women can be subject to domination and exploitation.¹⁶⁴ This gender inequality is incompatible with the wider belief in social equality between

¹⁶¹ (Rawls, J. 1996: 258)

¹⁶² (Munoz-Darde 1998a: 1998b)

¹⁶³ (Arneson, R. 1998: 7)

¹⁶⁴ (Susan Moller Okin 1994: 23-4)

the sexes.¹⁶⁵ Note that these inequalities arising within and due to the family structure cannot be properly traced to its member's voluntary choices, and as such they cannot be held responsible in a pertinent sense. In light of these deficiencies, it seems that the Rawlsian account of justice does little, if anything, to ensure the justice of and in the family. Given these shortfalls, how far should the state intervene in order to ensure that women and children are given an equal chance to flourish, without being subjected to domination or to a limited opportunity to pursue worthwhile ends? In what ways should the state address this?

From the outset it should be noted that the idea that the state should not interfere or regulate the family at all is implausible, if not absurd. Modern states do regulate the family structure via, for instance, marriage and divorce laws. There are also 'child custody laws' and other legal prescriptions to ensure that the state has the means to protect vulnerable family members. Moreover, to some extent modern states do shape, in one way or another, what constitutes the family.¹⁶⁶ To suggest that the family is beyond the reach of law therefore, is to miss the point. The real question is *no longer whether the state should interfere or not, but rather it is how far and in what ways should the state intervene*. I see this as the main problem, and disregard claims that the state has no right to interfere in family relations. With these clarifications in mind,

¹⁶⁵ "In a certain sense it enforces the ideal of a classless society. When fair equality is satisfied, parents cannot pass along advantages and privileges to their children in a way that gives them a greater likelihood of success in competition for positions of advantage beyond that enjoyed by any other persons with the same levels of talent and ambition." (Arneson, R. 1998: 2)

¹⁶⁶ Until recently, for instance, in the United Kingdom civil union between gay persons was not legally recognised. It is only recently that legislation was passed to legalize such civil unions.

I will now set out the specific problems posed by family relations for the liberal position, and identify possible remedies.

4.6 Family and Justice

One central critique of Rawls' account of justice, as stated above, is that it does not take the issues arising within the family structure seriously. Among many theorists, Munoz-Darde has recently argued that Rawls' failure to deal with the family structure makes his account problematic on a number of points which are internal to Rawls' own position.¹⁶⁷ The main question posed by Munoz-Darde is whether the family structure, from the point of justice, should be abolished. In response, she makes a number of critical points in relation to Rawls' account. She also discusses whether a 'well-run' state orphanage might be a viable alternative to the family, in order to ensure fair opportunity for every child. Below I will discuss Munoz-Darde's main arguments and claim that her position is inconclusive.

In a number of articles, Munoz-Darde has presented a thorough critique of the Rawlsian account of justice on the grounds that Rawls has given little attention to the family structure and its impact on people's lives. First she argues that Rawls betrays his own individualistic account by allowing 'heads of the family'¹⁶⁸ to represent the

¹⁶⁷ In fairness to Rawls, it should be noted that he is aware of these shortfalls but does not seem inclined to discuss them properly. For example, he states that "the family may be a barrier to equal chances between individuals" Rawls (1999: 265). In *Political Liberalism*, Rawls makes the following statement: "the justice of and in the family [are omitted], though I do assume that in some form the family is just. (p. XXXIX)

¹⁶⁸ In *Political Liberalism*, Rawls removes the 'head of the family' but leaves it unclear as to what or who should represent the interests of children. Besides children, similar problems can

interests of children in the original position. The implication of this claim is that it assumes the family as a *given* union rather than an association of individuals.¹⁶⁹ This notion of the family as given should not be assumed, argues Munoz-Darde. When the family is treated as an association of individuals, rather than as a union, equal weight can be given to each member of the family. By reasserting this change into the family structure, the legal constraints that apply to any other association should equally apply to the family structure.¹⁷⁰ In proposing these changes, she claims that the family should not be abolished, even though the state should no longer give legal recognition to marriage.¹⁷¹ In other words, the state should not assume the family as given. This is particularly important for members of families who are materially worse off. As she notes,

In other words: by assuming what they should seek to prove – that families have to be treated as entities of value such that laws which harm them for the sake of equality cannot be part of a just society – their theories might have to pay the cost of leaving the less fortunate in society in a worse position than they might have been as a result of a proper inquiry in this issue.¹⁷²

In doing so, she claims that the state should take responsibility for the social and material wellbeing of each child. This shift of responsibility will both neutralise

be raised in respect to ‘persons with disability’. This is what can be termed the issue of ‘representation’ in the original position.

¹⁶⁹ Rawls also states that the family “itself is viewed as a small association... in which each member has certain rights and duties (Rawls 1999a: 409).

¹⁷⁰ (Veronique-Munoz Darde 1998b: 349)

¹⁷¹ (Veronique-Munoz Darde 1998a: 53-54)

inequalities due to formative background, as well as provide a breathing space for the family to be the realm of genuine affection and care.

Ultimately, my claim in this paper is that we should displace most of the expectations for securing material impartial care for the needs of individuals to the state... If political institutions fulfil their impartial role, the family can then be the realm of the genuinely affectional....¹⁷³

The question here is how should the state ensure that every child is given an equal chance to prosper? One option, Munoz-Darde claims, is to seriously consider the case of the ‘state run orphanage’ as an alternative to the family. She proposes that the state orphanage should be ‘well-run’ in the sense that ‘state instructors’, in charge of the orphanage, should pursue their task in an impartial and value neutral way.¹⁷⁴ The idea behind the state run orphanage is that it gives every child an equal chance to flourish irrespective of their family background. Secondly, ‘impartial instructors’ in the orphanage would ensure that each child is given the proper means to decide for themselves what aims and aspirations to pursue in their lives. This in turn would prevent parents from imposing their own values upon their children. Although she does not conclusively argue for the family structure to be replaced by the state orphanage, she claims it should not be dismissed as an idea.

¹⁷² *Ibid.*, p.54

¹⁷³ *Ibid.*, p. 55

¹⁷⁴ It should be noted that Munoz-Darde does not endorse the state run orphanage as an ultimate solution. She is merely considering its possibility as an alternative to the family structure.

However, I believe there are some particular problems with this approach. Even though I endorse her claim that the state should play a greater role in eradicating inequality due to formative background, it is more controversial to accept Munoz-Darde's other claims, i.e. that family relations should be fully regulated via legislation or that the 'state run orphanage' should be considered as a serious alternative to the family structure. The main motivation behind such radical proposals is grounded in a belief that ignoring the impact of the family on disadvantaged members of society deprives disadvantaged people of fair treatment. I begin by questioning whether the idea of the state orphanage can be in the best interests of children.

For a start it is important to note that it is unclear who the beneficiaries of this scheme actually are. It is not at all obvious that it is the children. A child may need an affectionate and loving environment, and no matter how impartial orphanage instructors may be, they will nevertheless be unable to provide children with the close and affectionate environment such as that which can be provided by parents, other things being equal. Thus it is not at all clear how the state orphanage, as a matter of course, can be good for a child, all things considered. Note further that it is merely assumed that the state will be able to appoint impartial instructors to run the orphanage. But suppose for the sake of argument one accepts that somehow the state does manage to find such 'impartial instructors' to run such an orphanage according to some impartial rules. Even if this were the case, it is doubtful whether a state orphanage can ensure equality of opportunity without undermining the parent/child relationship in a significant way.

To begin with, it is essential to note that one major reason for having a child is the opportunity to experience the joy of parenthood. Depriving parents from the opportunity to experience the joy and satisfaction of being parents may, in fact, discourage them from having children. Moreover, the child herself may, as stated above, be deprived from bonding with her parents by being brought up in a state orphanage. The generic point is that both child and parents *can* benefit greatly from having the opportunity to experience the family environment, other things being equal. The state orphanage on the other hand, as an alternative to the family structure, may deprive some members of society from having the opportunity to enjoy and enrich their lives by caring for and bonding with their children.

Secondly, the claim that the state orphanage should replace the family structure seems to presuppose that parents, in general, are unable to act in the best interests of their children. This assumption may further undermine parental authority by denying a particular person the opportunity to have a child. By undermining the parental authority of particular individuals, it may, in fact, undermine the state's own authority in the eyes of private individuals. A particular individual may withdraw his/her allegiance to the state. In other words, undermining parental authority in this way may be detrimental to the state's own authority over its subjects. Moreover, even if one agrees with the idea of the state orphanage, it is not yet clear that strict equality of opportunity will prevail. Before I analyse other aspects of Munoz-Darde's position, I will first give reasons why it is undesirable to insist on strict equality of opportunity.

4.7 Genetic Intervention and Equality of Fair Opportunity

Equality of fair opportunity prevails in society, according to Rawls, when anyone with the same talent and ambition has an equal prospect of gaining access to advantage.¹⁷⁵ Thus if person A and B, other things being equal, have an equal prospect of getting a desirable position, then the conditions of equality of fair opportunity prevail in that society. This definition of equality of fair opportunity, however, is defective in a number of ways.¹⁷⁶

To see this, take first the impact of gender on a specific person's opportunities. Suppose Tom and Kate are both equally gifted in terms of their natural and physical features. Furthermore, suppose Tom and Kate are provided with an equal opportunity to learn. Tom joins the schools' young entrepreneurs club, and decides to pursue a career within the financial sector, whilst Kate decides to become a nurse, say, because her female environment has influenced her ambition and career path. Whilst both of them have the same talent and skills, Kate may end up worse off than Tom with respect to income and wealth. In this case, even when the conditions of fair opportunity, strictly speaking, are not violated, one's environment may affect one's opportunities. Put differently, socialisation and one's gender may have an adverse affect on one's opportunities without necessarily undermining the conditions set out

¹⁷⁵ (Rawls, J. 1999a: 63)

¹⁷⁶ For a comprehensive critique of Rawls' account of equality of fair opportunity see (Arneson, R. 1999: 77-112). For a different account of equality of opportunity see (Roemer, J. 1998).

by equality of fair opportunity. Thus, to achieve genuine equality of opportunity for all requires further reinterpretation of what may count as fair opportunity.

Secondly, although (following Munoz Darde's argument), children may be given an equal formative background in the state orphanage, they may still be unequal in terms of their inherent abilities. Those who are lucky to be born with desirable features such as high intelligence or exceptional physical looks may succeed easily in achieving highly desirable social positions. Those who are born with low intelligence or unattractive physical features may remain worse off irrespective of their equal formative background. A person with low intelligence, for example, is inherently disadvantaged in spheres where the criterion for qualification requires strong cognitive abilities. Does this entail that one should, via artificial means, eliminate differences in people's natural abilities in order to meet the demands of equality of opportunity? In other words, if the demand of equality of fair opportunity is that weighty, why not eliminate inequalities due to one's natural abilities or one's environment?¹⁷⁷

Recent debate on genetics and genetic intervention has raised various questions, including those within the realm of distributive justice.¹⁷⁸ One particular issue is

¹⁷⁷ Note that in principle, insisting on strict equality of opportunity does not rule out the possibility of genetic intervention as a way to achieve its aim, unless there are other reasons which are weightier than pure consideration of equality of opportunity.

¹⁷⁸ See, for example, the collection of articles in *From Chance to Choice: Genetics and Justice*, A. Buchanan, Dan W. Brock, N. Daniels, and D. Wikler (eds) (Cambridge: Cambridge University Press, 2000). Also see (Buchanan, A. 1996: 18-46), (Sandel, M. 2007), (Habermas, J. 2003)

whether justice requires genetic intervention in order to prevent or even enhance certain features of people. In *From Chance to Choice*, a number of scholars argue that it is permissible, under certain conditions, to allow genetic intervention in order to eliminate ‘disease’, or even to enhance certain features of human beings. They conclude that justice not only permits genetic intervention in order to eradicate particular harm that may be associated with or arise from one’s genetic make-up, but also imposes an obligation on the part of society to do so.¹⁷⁹ The authors draw a distinction between ‘treatment’ and ‘enhancement’. The basic rationale behind this distinction is that whilst treatment is merely to prevent possible harm, enhancement entails some form of benefit for a particular person.

To clarify this distinction, the authors distinguish between homosexuality and deafness as an example. Deaf people, according to the authors, are ‘disabled’ or ‘diseased’ even when there is no social discrimination against them, whilst this is not the case for homosexuality. In the case of homosexuality, but not deafness, by removing social and cultural prejudices within specific society, one is able to rectify the disadvantage they experience. On the other hand, deaf people, irrespective of prevailing social and cultural attitudes, would remain constrained in their opportunities in many ways:

The limitations a gay or black person suffers are injustices in a quite uncontroversial sense. They are forms of discrimination. While deaf people and others with disabilities certainly do continue to experience discrimination,

¹⁷⁹ (Buchanan *et al* 2000: 302)

they would continue to suffer limited opportunities even if there were no discrimination against them.¹⁸⁰

Thus, the authors claim, preventing deafness by way of genetic intervention may be justified in order to meet the demands of justice. Note that the argument is not merely that one has to prevent particular harm but that '*enhancements may be not only permissible but obligatory, as a matter of justice*'.¹⁸¹ This argument is made on the grounds of what Buchanan calls 'morality of inclusion', i.e. people who are born with particular disabilities are unable to fully participate in society's affairs, and thus it is obligatory, as a matter of justice, to use genetic enhancement to rectify particular disabilities. I will argue, however, that Buchanan's claim that morality of inclusion requires genetic enhancement is in itself exclusionary, given that it requires everyone to meet a particular standard which will qualify them as 'normal functioning species'.

First, the authors' definition of 'disease' or 'disability' is highly controversial. They define disease as an 'adverse departure from normal species functioning'.¹⁸² This definition, as I discussed (in section 4.4), assumes that a person with a disability lacks internal resources, such as physical and mental properties. This assumption already presupposes that under 'normal' circumstances, a person with a disability should have had different properties. This basic premise is in itself unaccommodating, for it denies legitimate differences in human physical as well as cognitive ability. What constitutes 'normal species functioning' can thus be only achieved if all forms of 'disabilities' are

¹⁸⁰ (Buchanan et al 2000: 283-84)

¹⁸¹ (Buchanan et al 2000: p. 96, see also p. 181 and 302)

¹⁸² (Buchanan et al 2000: 72)

eliminated. A disabled person may legitimately object to this view by denying the main premise, i.e. that disability is “an adverse departure from normal functioning”.

Instead, one may argue that there are legitimate differences in human functioning, and that therefore the way to rectify particular deficiencies arising from a particular person’s features is to change the social and physical infrastructure of society. Even though it may still be possible that, for example, a deaf person may have limited opportunities in some spheres of distribution, he/she may have equally good opportunities within specific spheres of distribution.

Moreover, there are all sorts of other features which may limit a particular person’s opportunities even in the absence of any form of social discrimination. Take, for example, a person with low cognitive ability. He or she may find it hard to compete in spheres where high cognitive skills are the main criterion for employment. Science, Information Technology, the financial sector and academic disciplines generally require strong cognitive skills, and thus a person with a low cognitive ability may have limited opportunity within a wide range of occupational spheres even when there is no social discrimination against them. Lack of ambition or, in some instances even one’s gender, as stated earlier, can have an adverse impact on any particular person’s opportunities.

It may, nevertheless, be argued that a difference in opportunity arising from one’s gender, even when it is not, strictly speaking, a result of social discrimination, is the product of gendered socialization and thus needs to be addressed. This, of course, is a plausible point but it does not threaten my main argument i.e., there are all sorts of

features that do not, strictly speaking, make someone 'disabled', and yet do limit one's opportunities in some spheres of distribution. Should one also then apply genetic enhancement to rectify inequalities in one's cognitive, as well as physical, ability?

For the sake of argument, suppose that science has advanced new techniques to guarantee that it is possible to create humans not only with identical genetic makeup but also identical disposition. Does this mean that, in this case, it is better to use genetic enhancement to create children with identical features in order meet the demands of equality of opportunity? Note that this is what is meant when one says that it is obligatory to use genetic enhancement to prevent particular human features which are not consistent with the 'normal functioning' premise. The 'normal functioning' premise objects to any deviation that may limit a particular person's opportunities, and thus requires that everyone should, at least, have selected features in order to qualify as fully functioning agents.

Furthermore, what is good for someone is partly dictated by the structure of the society of which one is a member. In a market oriented society, for example, being self-oriented, ruthless, hardworking and highly competitive is arguably seen as a prerequisite of success. This means that whoever does not possess these qualities may limit their opportunities in such a society. Although he/she may possess other worthy qualities such as being other oriented, compassionate and so on, he/she may nevertheless find it hard to succeed as much as they would have done in a less competitive and self-oriented environment. Who then, should decide the qualities that should constitute the basis of selective features which may lead a particular individual

to qualify as part of a ‘normal functioning species’? What may be ‘normal’ and desirable in one society will differ in another. Any generalization regarding the particular qualities required for a good life should therefore answer clearly what is good for a particular person as opposed to what is good for society. Unless this issue is clearly addressed, the idea of the ‘normal functioning species’ has little substance.

Turning back to the case of a person with a particular disability, he/she may agree with the fact that he/she may have limited opportunity in some spheres of distribution without necessarily accepting the idea of genetic enhancement as a way of addressing this lack of opportunity. Instead, by creating more favourable social conditions where they are accepted as they are, and given the means to excel in areas where their particular strengths may lie, their particular disadvantage can be rectified. What is important here is the fact that if someone has a particular strength, he/she should be given the opportunity to excel in that strength. Even though it may be desirable to maximise one’s opportunities, it is not a prerequisite in order to be a fully participating member of society. I will now raise some general objections to the idea of genetic enhancement.

One objection is to claim that genetic manipulation undermines the equal respect which is owed to each person. In this view, to pre-determine a person’s features and disposition fundamentally undermines a person’s freedom from choosing what sort of person one wants to be in life.¹⁸³ One response to this objection is to state that genetic

¹⁸³ Habermas claims that “We cannot rule out that knowledge of one’s own hereditary features as programmed may prove to restrict the choice of an individual’s life, and to undermine the essentially symmetrical relations between free and equal human beings.” (Habermas. J. 2003: 23)

manipulation is on a par with other sorts of influence on a person's life, such as that of their parents or of society in general. Consider for instance the case of parents who encourage their child to take a certain course of life from early childhood. Say, for example, that they want their child to become a world class tennis player and therefore push her in this direction whilst disregarding other aspects of her life or her own choices regarding her interests. If such parental influence is acceptable why should one consider genetic manipulation any differently? This seems to strongly endorse the claim for genetic manipulation. Nevertheless the comparison seems to fail to capture an important aspect of genetic manipulation as opposed to parental influence.

This significant difference between parental influence and genetic manipulation is that in the former case a person can ultimately disregard their parents' choices. This option is at least available even if it results in an additional cost for the person concerned. In the example given here, the child, as she grows up, may decide against her parents' wishes, not to pursue a career in tennis but to do something else instead. In the case of genetic manipulation however, such a choice may not be readily available. A child who has been subject to genetic manipulation for specific goals may have to live for the rest of her life without being able to change certain features about her person. A child who is extremely tall, just because her parents wished this to be the case, will never be able to change this. As Habermas states

in the case of genetic determination carried out according to parents' own preferences, there is no such opportunity. With genetic enhancement, there is no communicative scope for the projected child to be addressed as a second

person and to be involved in a communication process. From the adolescent's perspective, an instrumental determination cannot, like a pathogenetic socialisation process, be revised by "critical reappraisal." It does not permit the adolescent looking back on the prenatal intervention to engage in a revisionary learning process.¹⁸⁴

More importantly, insisting upon strict equality of opportunity may undermine legitimate differences within society. By legitimate differences, I merely mean that people are different in various ways. Some people are genius, others are not; some people are physically strong, others are less so, and so on. People also value different things in life, and as such prioritize their own specific aims. These differences should be celebrated in society rather than rectified in order to ensure equality of opportunity for all. Imagine a world in which everyone is intelligent or beautiful. In such a world, it is impossible to appreciate any particular feature of excellence. One needs ugliness in order to appreciate beauty, and one needs laziness in order to reward the hard working.

Furthermore, I claimed (in section 3.3) that egalitarianism does not strictly require uniformity in the aforementioned sense. What it aims for, instead, is to neutralise the adverse impact of legitimate differences upon people's lives. It would be absurd to attempt to eradicate all cognitive and physical differences within society by way of genetic enhancement. In his novel *Life and Fate*, Grossman describes how German Nazis attempted to deny individuality by depriving each prisoner of their peculiarities and creating uniformity. This erosion of the individuality of human life is tantamount to depriving humans of life itself. As Grossman notes,

¹⁸⁴ (Habermas. J. 2003: 62-63)

Among a million Russian huts you will never find even two that are exactly the same. Everything that lives is unique. It is unimaginable that two people, or two briar-roses, should be identical... If you attempt to erase the peculiarities and individuality of life by violence, then life itself must suffocate.¹⁸⁵

It is these opposing features of human nature that makes the pursuit as well as the appreciation of particular features of human excellence noteworthy. After all, justice is relevant provided there are **genuine differences** within society. It is these variations in people's physical and intellectual features that compel us to consider principles of justice. One main motivation behind Rawls' two principles of justice is to ensure that these variations do not unfairly disadvantage their holders in accessing socially desirable positions. Removing these legitimate differences may undermine the need for the conception of justice altogether.¹⁸⁶ Imagine a world in which everyone is genetically manipulated to be kind and other regarding. In such a world, there is almost no conflict of interest, given that all people want is to care about one another.

The same can be said regarding opportunity for women. Even when conditions of equality of fair opportunity are met, it is still perfectly compatible with the exploitation of women. Either men or women, within the private sphere, may use various tricks to achieve desired outcomes – for instance emotional blackmail in order to achieve a desired objective. This may deprive women or men, depending upon the

¹⁸⁵ (Grossman, V. 1996: 19)

circumstances, from having a fair opportunity of pursuing their own ends.¹⁸⁷

Alternatively consider the case of reproduction. Only women can become pregnant. Moreover, women may choose to shoulder the responsibility of childrearing even in the absence of either a coercive power or public incentive to do so. This biological feature may, for example, undermine her chance of workplace success, in comparison to male colleagues without such responsibilities.

The generic point here is that fair equality of opportunity is perfectly compatible with certain disadvantage for which one cannot, strictly speaking, hold women responsible. Furthermore, Sen's insistence that social and cultural factors affect people's choices in a significant way may be another instance of the same phenomenon.¹⁸⁸ In other words, fair opportunity may require a complete engineering of human features, and this may not be a worthwhile solution for addressing the issues posed by the family. Below, I intend to show that there is a sense in which one can draw a distinction between the family, as an institution, on the one hand, and justice based claims on the other. I will do so with particular reference to Rawls' account of justice. **I should emphasise that my intention in doing so is not to undermine the urgency of dealing with inequalities due to the family structure.** Rather, I aim to show that given that the family structure is based on distinctive properties which are essential for a good life in society, one should employ indirect redistributive measures in order to eliminate its deficiencies.

¹⁸⁶ Rawls' solution is that one should not eliminate inequalities due to natural abilities. Instead, given that one does not deserve one's own one's natural abilities, this should be used to benefit everyone in society, provided they are compatible with equality of fair opportunity.

¹⁸⁷ (See Arneson, R. 1998: 2-4)

¹⁸⁸ (Sen, A 1994: 120-122)

4.8 Public and Private Spheres

In this section, I intend to argue that although the family structure plays a pivotal and distinctive role in people's lives, its existence is not incompatible with equality based considerations so long as certain indirect measures are taken into account. An important distinction between the family structure and the demands of justice is that whilst the former is based on ties of affection and love, the latter, at least within the Rawlsian account, is primarily grounded upon some form of hypothetical contractual agreement.¹⁸⁹ This internal difference between the family structure and what justice may require has not been fully appreciated. The principles that guide family relations may in fact be incompatible with what justice may require, despite some counter claims.¹⁹⁰ I will clarify this point.

Family relations are based on ties of affection between two or more adults making a commitment to care for each other. The notion of caring for one's family is fundamental to the structure of the family. However, for this relationship to take place there is a prior need for the existence of the private sphere. For it is clear that any form of intimate relationship, including family relations, friendship and so on, can only take place if there is a sphere where private individuals are immune from direct

¹⁸⁹ I should emphasise that not all egalitarians are committed to a contractualist position. I am using the term 'contract' with particular reference to Rawls and Scanlon's positions.

Furthermore, the fact that Rawls uses contract in the purely 'hypothetical' sense does not, in my judgement, affect my main claim in this section. I am merely claiming that the family, as an institution, is based on distinctive properties as opposed to justice based claims.

¹⁹⁰ Dworkin has defended this view. For instance, he claims that "Political association, like family or friendship and other forms of association more local and intimate, is itself pregnant of obligation." (Dworkin 1986: 206)

public intervention. In his analysis of the ancient Inca society for example, Prescott notes that the social infringement on marriage and individual life was so intrusive that it was made impossible for an individual 'to be happy in his/her own way'. The life of the individual, in other words, was absorbed by that of the community, leaving no room for any form of expression of their individuality. As Prescott notes:

The extraordinary regulations respecting marriage within the Incas were eminently characteristic of the government, ... which penetrated into the most private recesses of domestic life ... [The Inca's] very existence as an individual was absorbed in that of the group. His hopes and his fears, his joys and his sorrows, the tenderest sympathies of his nature, which would naturally shrink from observation, were all to be regulated by laws. He was not even allowed to be happy in his own way.¹⁹¹

In this sense, privacy is inherently non-inclusive. Privacy is therefore a *necessary* but insufficient condition for intimate relations to occur. For example, Allen claims that even if the private sphere may be used as a 'shield for abuse', it is objectionable to dissolve it, for this makes everything public and thus subjects domestic as well as other intimate relationships to state scrutiny and intervention.¹⁹² The harm done in private by private individuals should be addressed in ways other than dissolving the distinction as such. Thus to claim that the distinction between private and public should be abolished is unhelpful for it may deprive us from an important aspect of our lives, i.e. the opportunity to engage in intimate relations, which is an essential part of a good life for some people.

¹⁹¹ (Prescott, W. 1959: 59)

¹⁹² (Allen, A. 1988)

This is not to say that privacy alone enables these types of relations to evolve, since other conditions also need to be met in order for intimate relations to flourish between interested parties. I am therefore merely claiming that in the absence of privacy, private individuals cannot engage in intimate relations without being subjected to direct state regulation. Whatever one's conception of the state may be, it would be absurd to insist that the state should decide on one's behalf what kind of relationship or what sorts of friends one should have. This is, in my view, a sufficient reason in itself for upholding the distinction between private and public spheres.

It should also be noted that the private sphere enables one to nourish certain values within society.¹⁹³ These values, such as love, personal trust, friendship and so on are indicative of what, in the absence of privacy, one may lose. From this point of view, family relations enunciate a specific type of relationship, and its aims are defined in terms of its practice. Family relations, just as friendship, generate obligations and responsibilities which are internal to its practice. Family members are those to whom family responsibilities in this sense, properly apply. This indicates that family relations are based on different principles, which are distinct from the demands of justice. To see this, consider the following features of the Rawlsian account of justice.

Within the Rawlsian account, justice based claims are primarily based upon contractual agreements between individuals. It should be stressed that in Rawls'

¹⁹³ (Rachels, J. 1975)

account, contract is purely hypothetical and thus it should not be assumed that the two principles of justice arise as a result of actual contractual agreement. Rather, contract is used as a device of representation which means that the parties, under the veil of ignorance, *would* have agreed to the two principles of justice, not that they actually do agree. These two principles, in turn, are applied to the main political institutions. Political institutions generate obligations only when they satisfy the demands of justice. Put differently, the two principles of justice play a filtering role in evaluating political institutions. Rawls claims that the justness of constitutive practices cannot be answered without recourse to independent moral rules. The source of obligation, in other words, is derived from moral rules which are external to constitutive rules. According to this view, even the rule of promising, for instance, does not in itself generate moral obligation.¹⁹⁴ Thus what generates obligation is external to constitutive rules. As Rawls claims

Even the rule of promising does not give rise to a moral obligation by itself. To account for fiduciary obligations we must take the principle of fairness as a premise. Thus along with most other ethical theories, justice as fairness holds that natural duties and obligations arise only in virtue of ethical principles. These principles are those that would be chosen in the original position.¹⁹⁵

The most important point here is that, according to Rawls, the existence of political institutions per se does not generate obligation. Instead, the source of the moral

¹⁹⁴ It is surprising that Rawls makes such a claim. The rule of promising, as a constitutive rule, generates reasons for action in a society in which this rule is commonly accepted. It is not at all clear why one should look for some other ethical principles from which to derive obligations [to keep one's promise.] However, I will leave this issue here since it touches issues of moral and political obligations which are beyond the scope of this thesis.

¹⁹⁵ (Rawls, J. 1999a:306, also see 115-116), (Sandel, M. 1982)

requirement is the two principles of justice that regulate the basic institutions of society. This seems to deprive political institutions from generating any form of obligation in the absence of the two principles of justice. As Rawls states,

The contract doctrine holds that no moral requirements follow from the existence of institutions alone.¹⁹⁶

Thus, according to Rawls, acceptability of constitutive practices is conditional to their moral acceptability. In other words, constitutive rules do not in themselves generate reasons to act unless some additional moral requirements are met. This suggestion, however, seems to be at least questionable. For a start, it is important to note that the term ‘political institutions’ clearly states the nature of these institutions, i.e. that they are political. This means that the relationships which these institutions regulate are primarily of a political nature rather than, say, a moral one. The constitutive rule of promising, on the other hand, does not have any external aims. Its reasons are internal to the rule of promising. This feature of constitutive rules differentiates them from moral rules.

The family structure, like the rule of promising, does not aim at any external aims. Its aims are internal to the rule of the family. To judge family structure by reference to reasons external to the family structure is to miss the point. Whether the family, in this respect, meets the standards of justice as fairness is a separate question. Moreover, it is not uncontroversial to claim that there are reasons for action which are

themselves independent of or prior to any contractual agreement. Take, for instance, the case of killing an innocent person for some sadistic purpose. In this instance, it is legitimate to condemn such a killing for the sake of fun because it is simply wrong. This notion of ‘wrongness’ does not seem to presuppose any initial agreement in a contractualist sense, for it to qualify as wrong. In this respect, the family, as an institution, generates reasons for action on the part of its members which are independent of any initial contractual agreement. From this angle, even in a hypothetical situation it is demeaning to use a contractual agreement as a way of defining the family structure, being that family relations are primarily based on bonds of affection and love.

Furthermore, it is essential to note that there is a tension between contract and trust. For it is not clear what makes contract *necessary* if not its underlying ‘mistrust’. The point here is that for contract to make any sense at all there should be initial ‘mistrust’ between contracting parties. It is precisely this initial ‘mistrust’ between contracting parties that makes a contract viable in the first place. This point should not be confused with the aims of agreement between contracting parties.¹⁹⁷ For instance, in the Rawlsian account, the aim of agreement is to derive principles of justice which will regulate the basic structure of society. However, as stated above, this is not exactly what is at issue. Rather, the issue fundamentally concerns why one should need to make a formal agreement in the absence of any initial ‘mistrust’ between contractors. Note that my intention here is not to claim that contract is a wholly bad

¹⁹⁶ (Rawls, J. 1999a: 306)

¹⁹⁷ (Sample, R. 2002: 257-281)

idea, but rather to show that justice based claims, within the Rawlsian account, are fundamentally grounded upon contractual agreement, an agreement which essentially entails some form of initial 'mistrust' between contracting parties. This characterization is in contrast to family relations, which are primarily based on bonds of affection and love.

One may object to this on the basis that contract need not be based on mistrust, but may instead satisfy a desire among contracting parties to settle conflicting issues which are inevitable within any association. It may be plausible to show that there are all sorts of situations in which two persons may decide to make a 'formal agreement' (e.g. marriage) even when they do trust each other. Yet I do not believe that this argument can ultimately work, for the nature of contract, in its political sense, is such that it is impossible to think in terms of contractual agreement without implying some form of initial 'mistrust' between contracting parties. Note that 'our' contractual agreement entails legitimate use of coercive power. If there is no mistrust between contractors, then it seems that the case for contract is very weak indeed, at least in respect to political association. If the contracting parties do trust one another, why should one rely on the 'coercive power' of the state, and not on some form of voluntary association in which they can pursue whatever end they are aiming for?

One response is perhaps to claim that contract is not all bad, since it may show that despite mistrusting one another, human beings are capable, as rational actors, of overcoming this mistrust by agreeing to principles that regulate their relations with one another. In Rawlsian terms, contracting parties are engaged in an enterprise to derive principles which are fair and just, so whether contract implies initial 'mistrust'

is irrelevant. In this account, 'mistrust' is seen rather as constructive, given that it provides the contractors with the incentive to make an agreement.

Another objection is to question the significance of 'trust', as opposed to mistrust, in one's relationship with others. In this view, it is not always morally good to trust others. One can think of many cases when it is inappropriate to do so. Given that trust cannot always be good, why should one exercise trust in respect to one's family members? One may object to family relations because the unconditional trust that exists between family members may be subjected to abuse. When trust is undermined within family relations, it can have both emotional as well as financial repercussions. Given this possibility, the contract can be used to ensure some safety net even within the family structure.

The motivation here is by no means to undermine the significance of contract within the liberal tradition. Rather it is to show that family relations, unlike justice based claims, do not share the same logical structure i.e. the internal properties that define family relations are distinct from justice based claims both in their form as well as their substance. As long as this is shown, it is sufficient to claim that applying justice based claims directly into the family structure may undermine family relations altogether. Put differently, it changes the internal properties of family relations, properties which define the very notion of the family. To see this, consider now the claim that family relations should be treated just as any other association and should therefore be regulated by whatever laws apply to such associations.

First, it should be noted that the law is not, as it is often presented, a completely value-free concept. It imposes its internal features on family relations, including its coercive implications. It is, of course, easier to apply the law to solve the problem, given its clarity and practical implications. Nevertheless, this unquestionable application of law in respect to family relations may not be the best way to address family problems. For this fundamentally changes the way that members of a specific family relate to one another. Whilst in the absence of the law, relations between members are based on caring and love, the introduction of the law as a mediator between family members may undermine the very nature of these relationships. The notion of intimacy, for instance, may cease to exist. Suppose I join a golf club because I fancy playing golf. My relationship with other members of the club is purely instrumental and may cease to exist as soon as I find playing golf no longer enjoyable. Surely one does not want to relate to one's family members in the same way? These two forms of association are different in terms of both their aims and substance. Thus, Munoz-Darde's claim that the family should be treated just like any other form of association ignores the difference between family relations and other forms of association.

It is in this sense that the public and private distinction can make sense. It should be stated that the intention here is not to argue that the public/private distinction has any bearing on what counts as legitimate disadvantage. The distinction between public and private spheres does not restrict the state's responsibility in providing remedies to rectify disadvantage. What is important, given the distinction, is **how and in what ways the state should rectify disadvantages which take place within the private sphere**. We value these two distinctive spheres for different reasons and because they

enunciate different aspects of people's lives. Abolishing the family structure therefore, is not an ideal solution. Instead, I propose that one should employ indirect measures to address family deficiencies.

It should be noted that not all family deficiencies are due to the family structure. Some families may suffer from financial hardship for reasons which are beyond their control. Unemployment or low paid employment may hinder parental opportunities to care for children or provide them with a safe environment. In these and many other instances, the source of disadvantage is not due to the existence of the family structure, but rather due to social factors which are unconnected to the internal structure of the family. Given that some family deficiencies are socially imposed, their proper remedy lies outside the family structure. After all, poverty, violence and sexism are not exclusively the internal properties of the family.

In other cases however, the source of disadvantage lies within the sphere of the family structure or internal to the family composition. A sexist man may abuse his wife, whilst a drug addicted parent may do physical and psychological damage to their children. A woman who is financially dependent upon an abusive partner may feel she has no choice but to put up with domestic violence. In such cases, it is indeed the family structure that makes its members vulnerable to abuse and deprivation.

As stated (in section 4.3), there are a number of ways to rectify particular disadvantage. Resource and status enhancement can remedy family inequalities for example, without necessarily undermining the family as a private sphere. Universal child care may be one way of addressing inequalities due to one's formative

background. By such provision, it is possible to rectify inequalities due to one's formative background in at least some respect. Thus the state should take a greater role in providing social provisions to enhance children's quality of life, irrespective of any child's family background.

Moreover, improving social conditions which are supportive of women or single mothers will enable women to improve their social standing within society. For instance, by being provided with flexible working hours and a decent wage, a single mother can care for her child without being penalised or facing financial hardship. Addressing negative attitudes towards single parenthood within society may also improve their social status. In this respect, it is possible to address some inequalities that are due to the family structure without necessarily abolishing the family as a private sphere.

As I argued (in section 3. 4 & 3. 5), one important area where it is necessary to give everyone an equal opportunity is the sphere of education. I claimed that, with respect to access to education, levelling down may be justified, given that education has a positional value for its holder. One important reason, apart from the fact that education has a positional value, is that inequality in education is closely linked with inequality in other spheres of distribution. Put differently, an advantage within the sphere of education may give its holder an advantage in other spheres of distribution. Thus, I proposed that the state should take responsibility to ensure that every child, irrespective of their social and economic background, is given equal access to education. One such possibility is to think in terms of a universal boarding school for all. This idea is appealing in a number of ways.

Firstly, a universal boarding school would guarantee equal access to education irrespective of one's social background. Secondly, in an ideal scenario, it might be possible to mix children from various social, racial, religious and ethnic backgrounds, which in turn may help social cohesion and improve awareness of diversity within the political community. Finally, it would provide a solid foundation for creating a more inclusive as well as fairer society.

Another way to alleviate the negative impact of the family would be for the state to divert the necessary resources to the voluntary sector. Acting via the voluntary sector, the state can provide assistance to disadvantaged members of society without triggering conflict between parental authority on the one hand, and state authority on the other. The voluntary sector, as a mediator between the state and individual, can address particular socially pertinent causes of disadvantage in a way that the state cannot. This is mainly due to the particular features of voluntary sector agencies, and their perceived role within the social association. An important feature of the voluntary sector is its lack of coercive power and legally binding arrangements. These features, along with a supposed better understanding of local norms and socially sensitive issues, make the voluntary sector better placed to deal with the often complex issues arising within the family. It is, thus, more desirable for the state to act indirectly via voluntary sector agencies in addressing family induced disadvantages, than for it to act directly.

Conclusion

I began this chapter by analysing the general nature of disadvantage. I then moved on to scrutinize which ‘agents’ can be held responsible for disadvantage. I have claimed that besides the state, there are non-state agents that can cause disadvantage to the individual. Who or what causes disadvantage might also change the way it should be addressed. I then discussed remedies that can be proposed in rectifying disadvantage. In particular, I examined Wolff’s four forms of remedy in undoing disadvantage. The most important aspect of Wolff’s position is that each account of disadvantage presupposes some form of human good. Restoring the specific good for a specific person may require different forms of remedy. This entails that one should not only take into account the form of remedy required but also whether that remedy is compatible with other aspects of the disadvantaged party’s life such as her dignity and equal worth.

In the second part of this chapter I discussed whether the family, as an institution, should be abolished in order to meet the demands of justice. I argued that there is a sense in which one can draw a distinction between the family, as an institution, and the principles regulating the basic legally coercive structure of society. One important distinction between the family structure and the demands of justice is that whilst the former is based on ties of affection and love, the latter is grounded upon contractual agreement. It is in this respect that the public/private distinction can make sense.

However, the distinction between public and private spheres does not restrict the state’s responsibility in providing remedies to rectify inequalities due to the family

structure. What is important, I have argued, is **how and in what ways the state should rectify disadvantages which take place within the private sphere**. We tend to value these two distinctive spheres for different reasons and because they enunciate different aspects of people's lives. Thus abolishing the family structure is not an ideal solution. To retain the family structure and yet be able to address inequalities within it, one way forward is to focus on status and resource enhancement. An important aspect of status enhancement is that it does not aim to remedy malfunction, but rather to improve the specific characteristics of human beings by changing the external world.

5. UNCONDITIONAL BASIC INCOME FOR ALL

5.1 Introduction

In chapter 3, I claimed that a society treats its members with the respect based account of equality if no member of society is disadvantaged in terms of his/her opportunities to pursue his/her own conception of good, other things being equal. One way to ensure equality in human relationship, I argued (see sections 3.4-3.6), is to design rules and procedures governing social and economic relations in a way that ensures respect for each member of society. With respect to the distribution of resources, an appeal to the ideal of social equality supports the sufficiency approach. The fundamental reason for embracing the sufficiency argument with respect to the distribution of resources, rather than strict equality in distribution, is because the sufficiency argument provides the necessary means to ensure that no member of society is disadvantaged in his/her opportunities to pursue his/her own conception of good. The notion of distribution comes into play only to ensure the conditions which are necessary for creating the society of equals, rather than being an end itself. Moreover, I proposed unconditional basic income (UBI) for all as a policy best suited to achieve the sufficiency principle within an egalitarian society. This is mainly due to two main factors. First, UBI can accommodate the scarcity issue whilst ensuring basic means for each member of society. Secondly, UBI, unlike the sufficiency principle, is not subject to the 'expensive tastes' objection.

In this chapter I will give additional reasons why UBI for all can provide the favourable conditions to ensure respect for everyone within an egalitarian society.

One way to define UBI is to state that everyone is entitled to the highest possible basic income irrespective of their willingness to work. I will try to do so by arguing that UBI can even be justified within the Rawlsian account of justice. I argued, (in section 2.3), that one important feature of the maximin rule, within the Rawlsian account, is that it allows diverse creeds of life to flourish within a political association. For this to be true however, I claimed that it is necessary for everyone to be provided with UBI. Here I will argue that UBI for all is justified even when it violates the conditions of reciprocity. This claim can be justified on two basic grounds. First, I shall argue that UBI is warranted on grounds of the state's neutrality towards citizens' reasonable conception of good. Secondly, I shall claim that UBI is supported by Rawls' own account of the social bases of self-respect. Only by securing UBI can one make sense of personal responsibility. In this way, one can only be held responsible when one has been given a *reasonable* opportunity to act otherwise.

This chapter is structured as follows. In section 5.2, I will first give some brief background before making the case for UBI on grounds of the neutral stance of political institutions with respect to persons' reasonable conception of good. I will then (in section 5.3) go on to argue that realization of the social basis of self-respect also supports the case for UBI for all. Finally (in section 5.4), I will make a case for personal responsibility which, in my view, is better than Rawls' fair division of responsibility. This is followed by a short conclusion.

5.2 Neutrality and Unconditional Basic Income

As argued in Chapter 2, the value of equality for Rawls is assured primarily by the content of the two principles of justice. The content of the two principles ensures equality both in respect to basic liberties as well as in the distribution of the index of other primary goods. Whilst the liberty principle guarantees equality of basic liberties, the difference principle ensures equal distribution of wealth and income unless a departure from strict equality is to everyone's advantage. This formulation aims to neutralise the effect of morally arbitrary factors such as initial social circumstances, natural talent, and the impact of luck on a person's life.

Note that according to Rawls, social contingencies (including natural abilities) are arbitrary from a moral point of view, and if they are not regulated properly they will give unequal advantage to their owners.¹⁹⁸ Instead of eliminating inequalities arising from innate differences, the maximin rule justifies a departure from strict equality in order to yield corresponding benefits to the least well off in society. How far does the maximin rule justly compensate for inequality of innate differences? Furthermore, to what extent should the achievement of the conditions of fair opportunity be given priority within egalitarian society?

I claimed (in section 2.2) that there are two notions of lexical priority within the Rawlsian account of justice. First, Rawls gives lexical priority to justice as fairness over other values in evaluating political institutions. Second, the other sense of lexical

¹⁹⁸ As Rawls states: "We do not deserve our place in the distribution of native endowments, any more than we deserve our initial starting place in society". (Rawls, J. 1996: 89)

priority is internal to justice as fairness within the Rawlsian account. Rawls gives lexical priority to the liberty principle over the difference principle. This means that basic liberties cannot be restricted other than for the sake of liberty. Furthermore, the difference principle itself permits inequalities provided they are compatible with the conditions of fair opportunity for all. Rawls says very little however, regarding how equal opportunity can be sustained in a just society. I will now turn to discuss these issues.

To begin with it is important to note that Rawls does not condemn inequality of status per se within a just society¹⁹⁹. What he does object to however, is the impact of status on one's opportunity to pursue worthwhile aims. This is ensured by giving lexical priority to equality of fair opportunity over the maximin rule. Here, conditions of fair opportunity assert that one's social and economic status should not hinder one's opportunities to compete for positions of advantage.²⁰⁰ Thus conditions of fair opportunity are necessary in order to allow inequalities in respect to the index of primary goods. The index of primary goods, including basic liberties, income, wealth and the social bases of self-respect, is thought to be desirable irrespective of one's conception of good. This claim can only have force if it can be shown that the index of primary goods is not merely desirable but also neutral across various conceptions of good. If this were not the case, then the index of primary goods can hinder some people's opportunities whilst fostering those of others. I will show below that the

¹⁹⁹ "Institutions may make use of the full range of abilities provided that the inequalities are no greater than *necessary* to yield corresponding advantages for the less fortunate, and the scheme of equal democratic liberties is not adversely affected. The same constraint holds for *inequalities between social classes* [my own italics] (See Rawls, J. 1974:647)

²⁰⁰ (Rawls, J. 1999a: 63, also 265-66)

index of primary goods falls short of meeting this requirement and thus needs to be revised.

For the purpose of argument, I will define neutrality in the sense that public institutions, particularly the state, should not be used to favour one conception of good over another. This neutrality of political institutions should be understood purely in terms of intention rather than neutrality of effect or outcome. Neutrality of effect is almost impossible to achieve in real life: policy decisions by public institutions inevitably have some positive or negative impact on specific conceptions of good. As Rawls states,

... it is surely impossible for the basic structure of a just constitutional regime not to have important effects or influences as to which comprehensive doctrines endure and gain adherents over time; and it is futile to try to counteract these effects and influences,...²⁰¹

Provided the state does not intentionally favour one comprehensive conception of good over another, it is sufficient to consider public institutions as meeting the neutrality requirement.

Secondly, it is equally important to note that the term neutrality here does not mean that political institutions should remain neutral to *any* conception of good. Someone may have a sadistic conception of good which is inconsistent with the liberal belief that harming others is morally wrong. Thus there should be criteria which define the

²⁰¹ (Rawls, J. 1996:193)

scope of permissible conceptions of good within the liberal state. From a Rawlsian point of view, it is only those comprehensive conceptions of good which are compatible with the requirements of the two principles of justice. For short, I will consider any *reasonable* conception of good as permissible, and thus the state should remain neutral with respect to them. Or as Levine states,

Neutrality applies to whatever upholds, or at least does not undermine, the moral equality of persons. Within that range, liberals insist that the state power not be used to favour some conceptions of the good over others.²⁰²

To achieve this end, the state should ensure equal opportunity for any reasonable comprehensive conceptions of good which are held by its citizens. With this in mind, I will now argue that Rawls' index of primary goods, as it stands now, does not satisfy the requirements of neutrality. To demonstrate this point, consider the following case.

Suppose that John and Tom are equally talented architects. Tom sees material success as an integral part of his conception of good, and so aims to maximise his income. John is rather different. For him, the good life is one of leisure, and he is no fan of work nor of accumulating material wealth. Whilst Tom has a successful career and an expensive lifestyle, John finds it hard to live the life he likes within his means. In other words, John, although able to succeed as an architect, decides to take a less demanding occupation. As a result, he ends up less well off in material terms. The trade off between work and leisure proves costly for John in the absence of some form

²⁰² (Levine, A. 1998: 63)

of basic income, since it is hard to reconcile his conception of good with his means. Should John therefore take a better paid job at the expense of his conception of good?

Tom, on the other hand, enjoys his well-paid job, which is compatible with his values. For him there is no trade off between work and his conception of good. Note that Tom also enjoys the privileges that material wealth brings. Does the maximin rule remain neutral to the holders of these two conceptions of good? The maximin rule seems to be biased against John's conception of good, whilst remaining neutral to that of Tom.

One way to undo this is to claim that John should be provided with UBI. Even though Tom will still be better off than John in terms of income, John will find it hard to justify any claim that he is being treated unfairly²⁰³. However, the Rawlsian can object to UBI on the basis that the index of primary goods should not necessarily be neutral to reasonable comprehensive views *per se*. Instead, the object of primary goods is the *holder* of those comprehensive views²⁰⁴. Thus there is no inconsistency if some comprehensive views have a better chance of flourishing than others, and *a fortiori* primary goods are neutral to both John and Tom as holders of those comprehensive views.

This seems to give John the responsibility of finding his own solution: he can either abandon his conception of good, revise it in accordance with his social circumstances, or pursue it at his own expense. This is due to what Rawls calls the 'fair division of responsibility'. Recall that (in section 2.5) I showed that in the maximin rule, 'the

²⁰³ (See Musgrave, R. A. 1974), (Rawls, J. 1996)

²⁰⁴ (See Rawls for this distinction 1996: 185-6)

measure of benefits is an index of these goods’²⁰⁵. In other words, the role of the basic structure is to ensure that these primary goods are fairly distributed between members of society. However, converting these goods into ends is the sole responsibility of citizens. It follows that John’s preference for leisure does not incur any liabilities on the part of public institutions.

However, this way of seeing leisure is to misapprehend the significance of leisure in John’s life. As stated earlier, John’s preference for leisure is not merely due to his ‘tastes’ in the sense that one prefers an apple to an orange. Rather, John’s main motivation for leisure is fundamentally driven by his self-identified conception of good. Provided this is the case, leisure, for John, is an integral part of his conception of good and what ultimately matters to him. Put differently, leisure, in this instance, cannot be substituted unless John is completely deprived of his self-identified conception of good. From this angle, leisure is an ultimate good. As Levine claims,

For all such persons, insofar as they are motivated by their conception of good, leisure is not an expensive taste but a constituent of a plan of life, a fundamental value. In a word, it is special.²⁰⁶

The basic idea behind Levine’s claim is that for some people leisure is a fundamental constituent of their life and as such, excluding leisure from the index of primary goods is tantamount to denying them the opportunity to pursue their self-identified conception of good. Moreover, in a similar vein it can be argued that paid

²⁰⁵ (Rawls, J. 1974: 642)

²⁰⁶ (Levine 1998: 22)

employment cannot be substituted for people who consider paid employment as an integral part of their self-identified conception of good.

It is thus permissible to claim that the state should provide John with the adequate resources to pursue his conception of good. Otherwise, not only does the state breach the neutrality test but, more importantly, it undermines John's self-respect. This, Levine claims, is inconsistent with the notion of the neutrality of political institutions with respect to citizens' self-identified conceptions of good. I will thus turn to discuss why realization of the social bases of self-respect, internal to Rawls' own account of justice, supports the idea of UBI for all.

5.3 On Self-Respect

Rawls claims that self-respect 'is perhaps the most important primary good'²⁰⁷. This entails that self-respect is not merely a feeling that one has to have or maintain. Rather, it is an important social good and thus is a form of entitlement. It is for this reason that Rawls insists that public institutions should ensure the conditions necessary to support the social bases of self-respect for each member of society. Rawls defines self-respect as including:

... a person's sense of his own value, his secure conviction that his conception of his good, his plan of life, is worth carrying on... implies a confidence in one's ability, so far as it is within one's power, to fulfil one's intentions.²⁰⁸

²⁰⁷ (Rawls 1999a: 386)

In other words, for Rawls, in the absence of self-respect, it is hard to imagine in what other ways a person can make sense of his/her own worth. This is why, Rawls argues, it is essential that public institutions provide *favourable conditions* for the realization of the social bases of self respect, such as ensuring equality of basic liberties, respecting a person's self-identified conception of good. Whilst this shows that Rawls gives an important place to self-respect in his account of justice, it is questionable why favourable conditions should not have any implications for the distribution of resources. Otherwise, it would be impossible to ensure positive conditions for the realization of the social bases of self-respect. It is, thus, not unreasonable to explore the implication of the social basis of self-respect for the distribution of material resources, given that any notion of 'favourable conditions' for the realization of the social bases of self-respect should not only entail social conditions in terms of basic liberties, but also the distribution of resources.

One such claim has recently been made by McKinnon who states that realization of the social bases of self-respect supports UBI for all²⁰⁹. The basic idea is that commitment to the social bases of self-respect within Rawlsian account of justice 'entails UBI'²¹⁰. In McKinnon's view, since Rawls sees the social bases of self-respect as the most important primary good, its realization requires some form of UBI²¹¹. In doing so, she claims that the true Rawlsian should embrace UBI in order to

²⁰⁸ *Ibid.*,

²⁰⁹ (McKinnon 2003), (Van Parijs 1991)

²¹⁰ (McKinnon 2003: 156)

²¹¹ Rawls himself asserts that "the parties in the original position would wish to avoid at almost any cost the social conditions that undermine self-respect. The fact that justice as fairness gives more support to self-esteem than other principles is a strong reason for them to adopt it." (Rawls 1999a: 386)

safeguard the social bases of self-respect, even if it requires overriding the claim of reciprocity as part of fairness²¹². If successful, this argument will be sufficient to justify UBI as an internal part of Rawls' view.

However, the Rawlsian can object to this on grounds of the lexical priority of fairness. This means that justice defined as fairness cannot, in principle, be overridden other than for the sake of justice, just as liberty cannot be overridden other than for its own sake. As argued in Chapter 2, justice, in this view, is the primary value that cannot be traded off against other values. Instead, Rawls insists that those who surf all day in Malibu' should find a way to support themselves: "those who can give justice are owed justice", claims Rawls²¹³. Thus the principle of reciprocity will be violated if UBI is guaranteed. Whilst it *may* be true that realization of the social bases of self-respect requires UBI on independent grounds, this requirement is unsubstantiated within the Rawlsian account. If McKinnon's argument is internal to Rawls' account of justice, it is questionable given the lexical priority of fairness.

The claim that justice is owed to those who 'can give' is exclusionary in nature. It excludes people who are unable to give for reasons which may be morally arbitrary. As I argued (in section 3.3), disabled people may be unable to contribute directly to the production of social goods, just as might be the case for those who have failed, for some reason, to enter the labour market, or those who experience long term sickness.

²¹² Reciprocity means here a fair return or contribution to society. Since UBI violates this fundamental requirement of justice, it cannot be accepted on the grounds of justice. On reciprocity see (Rawls, J. 1996: 16), (See also Gibbard, A 1991)

²¹³ (Rawls, J. 1999a: 446)

Moreover, children will also fall into this category, regardless of their future potential to contribute.

The main problem with reciprocity as a condition of just treatment is not simply that it excludes a certain group of people but that disregarding these people's interests is consistent with the demands of justice. To see this, consider the case of children. Given that children do not directly contribute, their interests can be violated or ignored without necessarily violating justice. This is because children, although they have the potential to contribute in the future, cannot contribute to social cooperation. I thus proposed that although reciprocity is an integral part of any account of distributive justice, it should not be taken as the sufficient condition for someone to qualify for equal treatment. Instead, political membership should be seen as a sufficient condition for people to be treated with equal consideration.

On this basis, one is able to accommodate both the case of persons with disability and that of children or those who, for some other reason, are unable to contribute to society's purse. This will be an inclusive criterion within the specific political entity, even though it may still remain exclusionary in respect to non-members or outsiders. Before I present my main argument for UBI, it is important to clarify whether inequality of self-respect is ever justifiable within the Rawlsian account of justice. If this can be shown not to be the case, then there is a strong case to support UBI for all.

In principle, it seems that the maximin rule allows inequality of self-respect, just as it allows inequality of income and wealth. However, it is unclear how one may benefit when one's self-respect has been undermined. Rawls does not clarify this matter

except to link the social bases of self-respect to the priority of basic liberties. The upshot of this relationship is that basic liberties are the best way to secure equality of self-respect for all. Basic liberties are defined as publicly affirmed rights and liberties.

The basis for self-esteem in a just society is... the publicly affirmed distribution of fundamental rights and liberties. And this distribution being equal, everyone has a similar and secure *status* when they meet to conduct the common affairs of the wider society.²¹⁴

Here Rawls' intention is to secure equality of status by grounding self-respect on basic liberties. Nevertheless, it seems that income and wealth do have an impact on individual self-respect: the availability of resources ensures that each person can pursue their own conception of good, which in turn is necessary to safeguard the conditions of the social basis of self-respect. Why not then aim for an equal distribution of income in order to secure equality of self-respect? Even though this link between income and the social bases of self-respect exists, Rawls nevertheless resists the idea of grounding self-respect upon the equal distribution of wealth. Two important reasons support this view.

First, Rawls prioritises basic liberties in order to bar trade-offs between liberty and greater wealth. This lexical hierarchy ensures that equal distribution of basic liberty cannot be overridden on grounds other than liberty, and thus everyone is guaranteed equality of basic liberties. Ensuring basic liberties fosters the social bases of self-respect by creating the proper social conditions necessary to pursue worthwhile aims. The rationale for resting self-respect upon equal liberties for all appears to lie in the

²¹⁴ (Rawls, J. 1971: 477)

possibility that the unequal distribution of wealth can make everyone better off, in which case it is rational to choose an unequal scheme over an equal one.

Secondly, in Rawls' view, basing self-respect on the equal distribution of wealth is undesirable on the grounds that it will make self-respect conditional to the amount of wealth one may have.²¹⁵ It is conditional in the sense that one's self-respect directly depends upon one's wealth: the greater one's wealth, the greater one's self-respect. Those who are worst off in respect of resources, under this scheme, will have almost no self-respect. To rectify their misery therefore, one has to deprive the well-off of their wealth and, in doing so, reduce their self-respect. This will inevitably put people at odds with each other in the sense that boosting one person's self-respect will reduce that of another. This will make the achievement of self-respect almost impossible, or even undesirable. It is important to note that this does not mean that income has no place in attaining the social bases of self-respect. This is why income is included in the index of primary goods.

Despite this set back however, the important feature of McKinnon's argument lies elsewhere. McKinnon's argument exposes the tension between what justice as fairness may require (defined specifically in Rawlsian terms) and the demands of the social bases of self-respect. The idea that there is a clear conflict between justice defined as reciprocity and the social bases of self-respect exposes an important structural shortfall in giving unconditional lexical priority to fairness in the decision making process. The nature and structure of the lexical priority of fairness is designed in such a way that all other values are subsumed or constrained by the prior conditions

²¹⁵ (Rawls 1971: 478)

set out by that value. In other words, there are no freestanding or independent values apart from the primary value and, in this case, justice as fairness.

This feature of the Rawlsian account does not allow a trade off between justice as fairness (understood as the main virtue of institutions), and other values, even when the pursuit of justice undermines or partially undermines those values. Note that unlike utilitarian theorists, Rawls does not propose maximising justice. Nevertheless, he gives absolute priority to justice defined as fairness, whilst other values are either reduced to an aspect of justice or simply constrained to what justice may require or allow. Does this mean that no matter what the cost may be, one should always give priority to fairness?

Furthermore, by admitting that there is a conflict between fairness and the social bases of self-respect, and thus a need for compromise, one thereby commits oneself to a value pluralist position. McKinnon's position fails to be convincing precisely on the grounds that it violates that lexical ordering of values. This brings me to my main claim that the lexical ordering of values seems inherently unfeasible. Even the noblest of values cannot alone be a panacea for human conditions in a society as complex as ours. One possible alternative is to embrace a more pluralist account in which values are less hierarchically located. The pluralist can thus hold that egalitarians should be concerned with a plurality of values rather than giving lexical priority to one specific value. As Wolff states:

An egalitarian social ethos is, I believe, constituted by more than one value, and is not well represented by the notion of lexical priority.²¹⁶

Put differently, ‘we’ may care about fairness in distribution but we also care about other values such as respect, which is due to every person simply by virtue of their humanity. However, if achieving fair distribution is plausible only at the expense of the respect which is due to every person, then there is a strong argument to stop pursuing fairness in order to ensure that every one is treated with dignity and respect. After all, egalitarianism is appealing because it enunciates, in one important dimension, our belief that every one, even the most vicious among us, should be treated with equal respect, unless it can be proven otherwise.

One response to this is to draw a distinction between the fundamental principles of justice and specific social policies. This response states that fundamental principles prescribe what is and what is not allowed. To reiterate, fundamental principles do not necessarily serve as a practical guide in specific real life circumstances. Rather, they serve as a standard whereby the actions and choices of a responsible agency are evaluated.²¹⁷ Based on this distinction, it states that given that the objection is aimed at the level of a specific policy rather than at the principle itself, its reach is limited. If, say, one changes the policy in a way which avoids disrespect, then the objection ceases to exist. However, this argument is not convincing for the following reason.

In section 2.2 I showed that there are two levels of lexical priority within the Rawlsian account of justice: one is external and the other is internal to Rawls’ two principles of

²¹⁶ (Wolff, J. 1998: 119)

²¹⁷ (Arneson, R. 2004:10-11)

justice. The external one states that justice has priority over other values in the construction and evaluation of political institutions. This means that whenever there is conflict between justice and any other value, justice takes the upper hand in the decision making process. The internal one states that the liberty principle takes a lexical priority over the difference principle. Thus the idea of lexical priority is an integral part of the two principles of justice. With these clarifications, let us then see whether the objection can be raised on the level of principle rather than mere policy.

For simplicity, suppose that there are two alternatives available with respect to the distribution of good X between persons A and B. The first option is to distribute good X in accordance with what justice may require. This may involve some form of ‘shameful revelation’ on the part of person B in order for him to receive state benefit.²¹⁸ The second option states that in distributing good X between persons A and B, one should take into account not only what justice requires, but also whether executing just distribution is compatible with the basic requirement of respect for persons. In the Rawlsian version, the first policy is the preferred one, given that justice takes priority over other values.

The second option, however, states that respect for persons has equally sufficient weight in this specific case, to the extent that its demand may override the demands of justice. Note that the objection is primarily aimed at the idea of giving lexical priority to one specific value over others and, in this instance, giving priority to fairness over respect. Given that ‘lexical priority’ is an integral part of the two principles of justice,

²¹⁸ The term ‘shameful revelation’ was originally used by Jonathan Wolff. See (Wolff, J. 1998: 97-122).

the objection is on the level of principle rather than mere policy. The example of the policy only serves to show that giving lexical priority to one value over another, in the aforementioned sense, is not the best available solution.

Furthermore, it should be noted that even the priority of basic liberties *presupposes* some adequate economic provision.²¹⁹ In the absence of some form of adequate economic provision, a claim for the priority of basic liberties is unsustainable. Nor is it the best rational choice to give unconditional priority to the basic liberties when one's basic needs are not met. This adequate economic provision is thus lexically prior to the basic liberties.²²⁰ Even if the link between self-respect and equality of wealth is to be avoided, there is nevertheless a necessity to meet adequate economic provision for everyone. Whether this adequate economic provision should be seen in the form of UBI or some social minimum is another matter. The point remains though: meeting some basic needs is lexically prior to the basic liberties.

There is a further argument to support the claim that in a just society providing some adequate economic provisions for all is necessary even when it may override considerations based on fairness. This argument is based on the level of how affluent society is. Take for example, those liberal states in the Western hemisphere which are enjoying huge economic prosperity. In an affluent society, Levine claims, the urgency for reciprocity, if not completely removed, is at least diminished significantly. The

²¹⁹ See (Shue, H. 1975: 201-202), (Carter, A. 2002: 587).

²²⁰ Rawls himself echoes this line of thought when he states that “the realization of these interests may necessitate certain social conditions and a degree of fulfilment of needs and material wants, and this explains why the basic liberties can sometimes be restricted.” (Rawls, J. 1999a: 476)

case for reciprocity is only urgent when there is extreme scarcity of resources. However, as a society becomes richer, this urgency diminishes, and thus there is no longer a strong case for making contribution a prerequisite for distribution. As Levine states,

Increasing affluence diminishes, without extinguishing, the moral urgency of reciprocity ... What it challenges is not individual responsibility per se, but the pertinence of this idea to the distribution of benefits and burdens.²²¹

This claim is made against the prevailing view that it is objectionable for someone to benefit without one's participation in the production of the specific good. Although I am highly sympathetic to this view, it is also true that Levine's claim can only be justified if a good majority of the population participates in the production of social goods. If, say, the majority of people exercise their right not to work, it would be unsustainable, even in the most affluent society. What is true, however, is the fact that increasing affluence makes the case for reciprocity less urgent in matters of distribution.

The second problem stems from Levine's claim that his argument does not, strictly speaking, undermine the case for personal responsibility. However, he does not say in what sense the case for UBI for all is still compatible with the notion of personal responsibility. I will argue below to support Levine's claim that UBI is compatible with the notion of personal responsibility. The upshot of my argument is that UBI for all ensures a reasonable alternative for persons to act otherwise. This in turn generates sufficient grounds for holding people responsible for any inequality that may result as

²²¹ (Levine, A 1998: 31-39)

a consequence of their own choices. Note that the emphasis here is not on the choice *per se* but whether that choice is reasonable for a concerned person.

5.4 Revisiting Personal Responsibility

Egalitarian literature has attempted to integrate personal responsibility into the broader debate on social justice in a number of ways. Although not central to egalitarian concerns, it is now widely believed that any egalitarian account should make room for personal responsibility. Dworkin in particular has been instrumental in reconciling the ideal of equality with personal responsibility. His solution is based on the distinction between choice and circumstances, which states that inequalities are unjust only if they result from people's circumstances rather than from their choices, in which case such inequalities are acceptable. Others base personal responsibility on the value of autonomy or human flourishing.²²² Moreover, as I discussed (in section 2.5), Rawls grounds responsibility on fairness.²²³ Rather than reviewing the literature on personal responsibility, I will mainly focus here on Rawls' account of responsibility in order to propose an alternative which is sensitive to social differences, but fundamentally differs from Rawls' account. The upshot of my argument is that the idea of personal responsibility can only be viable if members of an egalitarian society are provided with a reasonable alternative to act otherwise. This reasonable alternative supports UBI for all.

²²² Here I am merely showing that there are a number ways in which egalitarians try to reconcile the ideal of equality with responsibility.

²²³ (Rawls, J. 1974: 642-43), (Rawls 1996: 186)

Rawls grounds personal responsibility on what he calls the ‘fair division of responsibility’.²²⁴ According to this view, a person placed under conditions of equality should exercise her moral power to take responsibility for her own tastes and preferences. Whilst it is a public responsibility to meet the conditions of equality, it is the sole responsibility of the individual as to how she converts this equality of conditions in order to secure the advancement of her preferred conception of good. Put differently, people should take responsibility for revising their preferences in light of their circumstances. It is thus unfair to compensate people for their tastes and preferences when each person is placed under conditions of equality. What is not obvious is how this ‘fair division of responsibility’ can generate personal responsibility in the absence of achieving complete equality of opportunity. On its surface, this appears to justify holding people responsible for their own ends. To demonstrate this, consider the following example.

Suppose we provide ten people with identical training and the facilities to enable them to become competitive runners. Furthermore, since their childhoods, they have all been separated from their families and placed under the guidance of special running instructors who have treated each one with identical attention and care. After years of hard work, the athletes finally reach the stage when they should compete against each other in order to find out who is the best. Whoever wins the final race will be generously rewarded. Those who lose cannot complain since that they have all been given the same opportunity. If all morally arbitrary factors are eliminated and each one is given an equal opportunity to compete, then surely those who lose have no

²²⁴ See Chapter 4, section 4.8 for a critique of the Rawlsian account of equality of fair opportunity.

legitimate complaint? Of course this example presupposes that all candidates have the physical features required to be a potential athlete, and that they are all properly motivated to succeed in this field. The point here is that whatever morally arbitrary factors there may be, the achievement of equality of opportunity requires their elimination. If this condition is met, then the fair division of responsibility is valid.

However, this simple example fails to reveal the difficulties of achieving complete fair equality of opportunity in real life. In particular, it is hard, if not impossible, to rectify inequalities due to one's formative background or lack of innate abilities in real life. Should one insist upon fair equality of opportunity even when it requires genetic enhancement, for instance? Consider the case when even if the conditions of equality of fair opportunity are met, the losing party does not simply lose a prize or privilege, as in the above example, but faces complete destitution. The case of a person with a drug addiction may be one such example. Should one hold him responsible for his addiction and allow his future to be decided by fate because it violates the demands of fairness? The main point here is that despite Rawls' insistence on ensuring fair equality of opportunity, he does not specify how and in what way this should be achieved. All he states is that equality of opportunity should take priority over the first part of the difference principle. To reiterate, I will highlight below, the reasons why insisting on strict equality of opportunity is undesirable.²²⁵

²²⁵ I should emphasise that Rawls himself does not insist upon strict equality of opportunity. This is one reason for Rawls excluding the family structure from the ambit of justice. It is, nevertheless, true that unless the conditions necessary for equality of fair opportunity are met, his claim that fair division of responsibility generates obligation on the part of individuals to revise their goals and inspiration in accordance with their circumstances will not be justified.

As I stated (in section 4.7), it should be noted that equality of opportunity, in principle, will demand equality of conditions in the full sense of the word. First, the complete realization of equality of fair opportunity is undesirable if its realization demands genetic manipulation. The main reason for this is that genetic manipulation undermines a person's freedom from choosing what sort of person one wants to be by pre-determining a person's physical or intellectual features. Recall the case of the parents who want their child to become a basketball player, and who manipulate his genetic make up to ensure that he is tall. Although the child may still pursue goals other than playing basketball, he is unable to change his height. However, if he is tall by mere chance, he may at least feel less unhappy about this than living in the knowledge that his parents have pre-determined his height.

Secondly, the fair division of responsibility, as presented by Rawls, does not generate an obligation to take responsibility for one's actions if the price of that obligation is unreasonably costly, however fair the division may be. To demonstrate this, consider the following cases where Jim and Tom have the following options, given their particular circumstances. In the first case, Jim, who had a rough upbringing, is an unemployed and unskilled worker, and has just been offered a job as a street cleaner. Although this job is poorly paid, Jim has no choice but to take it. For Jim, what alternatives are there other than taking similarly poorly paid positions? One alternative may be destitution, but can destitution be considered a reasonable choice?

The second case involves Tom, who has a rare medical talent. Tom has the option of working for the NHS with a good salary, or of working in private healthcare, where he can earn much more. Either choice is reasonably good. His bargaining power

allows him to dictate rather than be dictated to. If, despite the huge demand for his skills in the NHS, he opts to work privately, it is perfectly compatible with the Rawlsian account, provided his doing so will benefit the least well off members of society. Whilst it is true that Tom has two reasonably good choices, it is unclear whether one can define 'destitution' as a reasonable option in Jim's case.

If the response is no, can one reasonably hold Jim responsible for refusing to take a poorly paid job under the terms of fairness? I believe the answer is no. The reason is because it is unfair to force someone to take a course of action without providing them with a reasonable alternative to do otherwise. The mere existence of an alternative, in this case destitution, is insufficient to generate responsibility on the part of Jim. Instead, what generates responsibility is the availability of a reasonable alternative to act appropriately. Destitution is not a reasonable alternative, and thus failure to provide Jim with a reasonable option to act appropriately will be tantamount to no duty at all on his part.

Note that one important reason for insisting upon providing persons with a reasonable alternative is to prevent the possibility of someone being exploited. One possible definition of exploitation is taking unfair advantage of a particular person by exploiting his/her unfavourable conditions to one's advantage. In other words, to exploit someone is to use one's advantage over another in a way that disadvantages them. Allowing exploitation, in this way, is incompatible with equality in social relations. What course of action should one take then, in order to ensure that Jim can be held responsible without necessarily facing 'destitution'? Moreover, as discussed

earlier, the pursuit of fairness may even subject people who are legitimately entitled to state help to some form of ‘degrading treatment’.

Under the conditions set by the ideal of social equality, it is imperative to govern the rules and procedures of distribution in a way that ensures respect for each member of society. I proposed that, in an ideal scenario, an appeal to social equality demands the sufficiency approach to the distribution of material goods in order to achieve equality in human relationships. If, however, it is not possible to realize the sufficiency principle in the real world, then everyone should, at least, be provided with UBI. This, in turn, can help to create the conditions which may protect disadvantaged members of society from the unreasonable and often oppressive practices. This is necessary to validate personal responsibility. Thus it is only when the subsistence threshold is secured for everyone that one is able to hold someone responsible for his/her actions. To see this, recall the case of Jim and Tom.

Suppose that UBI is ensured for everyone and that Jim, just like everyone else, is entitled to UBI. Although UBI will provide Jim with the necessary means to avoid destitution, he is still among the least well-off members of society. Now suppose that Jim, unable to do little with his basic income, believes that he is being treated unfairly, given that he is still much worse off than Tom. In this case, Jim’s claim of unfair treatment may be rejected on the grounds that he no longer has a justified claim over society, and that his position is his own making. Thus, it is Jim’s responsibility to make an effort, such as taking a paid job or enrolling in a particular training course, to improve his economic position.

Conclusion

To recap, I have shown that giving lexical priority to justice defined as fairness is undesirable if its achievement requires us to override other fundamental values which are a constitutive part of what we are. Instead, I proposed that egalitarians should not be afraid of embracing a plurality of values even if this requires, on occasion, allowing unfairness. I have also claimed that UBI for all is justified on two main grounds: neutrality of public institutions with respect to a person's self-identified conception of good and the social bases of self-respect. Both neutrality and the social bases of self-respect, internal to Rawls' own account of justice, support the case for UBI for all. Finally, I argued that UBI for all, unlike the predominant view, does not necessarily undermine the notion of personal responsibility. In fact, personal responsibility requires the existence of a reasonable subsistence level for all. In ensuring this, one is also able to safeguard the conditions which are necessary to prevent disadvantaged members of society from being subjected to unreasonable and oppressive treatment.

CONCLUSION

Equality, as a normative concept, enunciates a particular mode of social relationship, namely a relationship which is based on mutual respect among members of a particular political community. Thus there are two ways in which this particular mode of social relationship can be crystallized within a particular political entity: by rearranging the distribution of goods in a way that ensures respect for each member of community, and by creating social conditions which are sensitive to legitimate differences within society. I have explored the implication of the ideal of social equality in debates on distributive justice, and I have argued that social equality, as opposed to strict equality in distribution, can provide the conditions necessary for fostering respect and equal moral worth within egalitarian society.

This way of defining social equality does not subject members of a particular community to degrading treatment. Unlike economic egalitarianism, this view does not base membership of social association upon purely economic ties, or make reciprocity a condition for just and equal treatment. Rather, it is grounded on the value of the equal respect which is due to each member of a particular community by virtue of them being members of that political community. Thus the aim of social equality is to create equality in human relationships, and affect the rules and procedures that govern the distribution of goods to this end.

In light of this interpretation of equality, with respect to questions of distributive justice it is argued that there is a diversity of distributive spheres which require different metrics of distribution, and that the conditions set by social equality are insufficient to settle all distributive issues. Despite this however, an appeal to social

equality can help to clarify the tension between ‘economic egalitarianism’ and its critiques. An appeal to social equality demands the sufficiency approach to the distribution of material goods, and proposes Unconditional Basic Income for all as a way to achieve it. This characterization of social equality avoids the traditional charges that were raised against equality in distribution: in particular, the charge that economic egalitarianism is based on the fetishistic pursuit of money, and the charge that the egalitarian position is subject to the levelling down objection.

In Chapter 1, I presented Frankfurt’s main objections to economic egalitarianism, and proposed some initial defence of the egalitarian position. I then moved on to explore an account of social equality which is distinct from equality in distribution. The underlying thought behind the ideal of social equality is to aim for equality in human relationship rather than being primarily concerned with the distribution of goods. This account of equality avoids Frankfurt’s main objections. The overall aim of this chapter was to set out the terms of the debate and the main motivation behind this inquiry. Having done so, I then moved on to ask whether Rawls’ account of justice as fairness can incorporate the ideal of social equality.

In Chapter 2, I discussed two specific issues relating to Rawls’ account of justice. First, I examined Rawls’ reasons for giving primacy to justice over other values in evaluating political institutions, and the role of ‘lexical ordering’ in the internal composition of the structure of justice as fairness. I analysed this feature of the Rawlsian account in order to show why the ‘lexical ordering of values’ is unhelpful in creating the society of equals. Second, I examined whether restricting egalitarian principles in their application to the basic structure of society is compatible with an

overall egalitarian objective. I cast doubt on the main rationales for this restriction by showing that restricting the principles guiding social association to the basic structure of society (a) is incompatible with the notion of personal responsibility and (b) leaves unjustified inequalities to persist within egalitarian society, including the family structure's impediment on its members' equal standing. In light of these shortfalls, the need arises to revise the egalitarian position.

In chapter 3, I proposed an account of equality which is primarily defined in terms of human relationship, namely, relations which are based on mutual respect between members of a particular political association. In this respect, social equality, unlike equality in distribution, aims to ensure this equality of human relationship rather than being primarily concerned with distribution along the line of any specific metric. The notion of distribution comes into play only to ensure conditions which are necessary to create the society of equals. I argued that an appeal to social equality supports the sufficiency argument with respect to the distribution of material goods. I also drew a distinction between material and non-material goods, and showed why the classic formulation of distribution has limited applicability in the distribution of non-material goods.

In chapters 4 and 5 I analysed the application of the ideal of social equality in addressing disadvantage. The central argument was that in dealing with specific disadvantage, one should not only take into account the form of remedy required, but also whether the remedy is compatible with other aspects of the disadvantaged party's life - such as her dignity and equal worth. One important goal is to remain sensitive to legitimate differences within society, by changing social conditions in a way that

accommodates, rather than substitutes, those differences. With respect to inequalities arising due to the family structure, I proposed that ‘status enhancement’ should be the preferred way of rectifying them. An advantage of this approach is that whilst it leaves the family as an institution, it eliminates the negative impact of the family structure upon its members by changing the social and economic structure of society which, in turn, rectifies family deficiencies.

In chapter 5 I also proposed that one way to realize the sufficiency principle with respect to the distribution of goods is to ensure Unconditional Basic Income for all. In particular, I argued that Unconditional Basic Income for all is justified, even when it violates the conditions of reciprocity. I claimed that Rawls’ ‘lexical-ordering’ of values is not conducive to the egalitarian cause. This claim was supported by two additional arguments. First, that complete achievement of equality of opportunity is undesirable because it undermines the ‘legitimate differences’ between persons. Second, I argued that Unconditional Basic Income for all provides citizens with a *reasonable* alternative to Rawls’ ‘fair division of responsibility’. This *reasonable* alternative, in turn, is necessary to both incur and validate personal responsibility.

My aim in this thesis has been to focus on the implication of equality in debates about distributive justice. I have argued that equality articulates a particular mode of social relationship, namely that relationship which retains the equal moral worth of each member of a political community. This particular mode of social relationship can be achieved without necessarily invoking *strict equality* in respect to the distribution of material goods. With respect to the distribution of material goods, an appeal to social

equality supports the sufficiency approach as well as changes to social conditions in order to accommodate legitimate differences with the liberal state.

The ideal of social equality can, in fact, benefit from debates about the role of the state in regard to the environment, education, labour law and welfare provision for children. Unless egalitarians press to incorporate these issues into mainstream debate, it may fail to be a viable intellectual force. Giving more credit to human relationship and not overly focusing on material resources is one way forward.



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